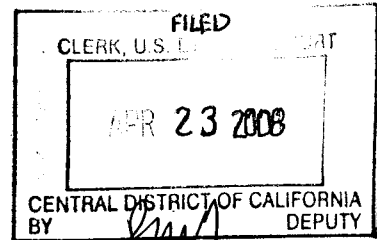


1 Arif A. Durrani  
2 Reg. No. 09027-014  
3 Federal Correctional Complex  
Victorville I  
4 Adelanto, CA 92301  
5  
6  
7



8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA

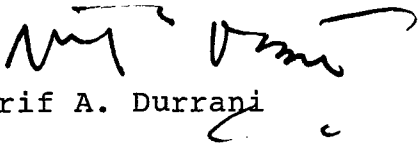
10 ARIF A. DURRANI,  
11 Petitioner,  
12 v.  
13 S.A. HOLENCIK,  
14 Respondent.  
15

CASE No. CV-06-06281-PA

PETITIONER'S OPPOSITION  
TO MOTION TO DISMISS  
28 U.S.C. §2241

16 Arif A. Durrani (Petitioner), hereby submits his  
17 response and opposition to the Respondents Motion. This response  
18 is based upon the files and records of this case, together with  
19 the attached statements of facts and the accompanying memorandum  
20 of points and authorities.

21 Respectfully submitted on this 11th day of April, 2008.  
22

23   
24 Arif A. Durrani  
25 Petitioner  
26  
27  
28

## MEMORANDUM OF POINTS AND AUTHORITIES

## I

INTRODUCTION

Arif A. Durrani, Petitioner, ("Durrani") filed a petition for a writ of habeas corpus on October 2, 2006, to correct the erroneous Release Order D6270, dated September 23, 2005. (CACD CR 27). Durrani seeks the correction of the Release Order to comply with the governments affirmative duty to set forth contemporaneously with a Rule 48(a) its motion for reasons seeking dismissal. (CACD CR 27). The correction is required because the dismissal was in derogation of the Durrani's rights (1) The dismissal was in bad faith, or (2) Durrani has been prejudiced in his ability to attack the prosecutor's motive due to trial court's failure to require submission of adequate reasons as a condition of dismissal, (3) develop the record for the Ninth Circuit, to consider the merits of the fraudulent indictment and the governments conduct in securing Durrani's presence in the United States. (USCA 07-50031/APPENDIX 'A'), (4) the order must provide for the remedy for the illegal arrest and damages it caused Durrani, and to return all the property that was seized from an innocent person upon the indictments dismissal, and (5) ensure there was no use of any illegally seized property from this indictment. If any derivative information was used, to identify its reasons for that purpose(s).

1 As discussed below, this court has jurisdiction to  
2 adjudicate Durrani's writ of habeas corpus, which is only  
3 cognizable pursuant to 28 U.S.C. §2241 and its rules.

4 II

5 STATEMENT OF FACTS

6 On May 7, 1999, a grand jury in the Central District  
7 California returned a two count indictment in United States v.  
8 Arif A. Durrani, CR99-470-PA. (CACD CR 1). The indictment was  
9 based upon conduct for which no offense was committed against  
10 the United States by Durrani or anyone else. The document  
11 presented by agent, Wayne Kempton to the grand jury to obtain  
12 the indictment had the export license stated on it. The same  
13 document used to indict Durrani proved his innocence. APPENDIX  
14 'B'. The government attorneys and agent Kempton committed  
15 perjury before the grand jury to obtain this indictment.

16 Since the export license was issued, the grand jury  
17 indicted an innocent person. The government is required to have  
18 known this evidence prior to presenting its perjured testimony  
19 before the grand jury. Although, it is irrelevant at this  
20 juncture, the alleged, lawful act on May 9, 1994, was not  
21 completed until May 18, 1994. Therefore, the indictment was  
22 facially beyond the statute of limitations. The grand jury was  
23 deceived. Durrani, was not debarred from participating in FMS  
24 export sales. (BATES No. 0246, 7 and 8). AUSA William A.  
25 Crowfoot, has lied in his Rule 48(a) Application. (CR 26). The  
26 agent, Wayne Kempton, similarly, was intentionally untruthful in  
27 his affidavit. (CR 19).

1           There was no probable cause on May 7, 1999, to obtain  
2 any indictment, against anyone, certainly, not Durrani. Who was  
3 an innocent person.

4           The government agent and attorneys were informed in July  
5 2002, by Durrani's attorney an export license was issued.  
6 (Government Investigation Report # 53). The government returned  
7 a copy of the SED's for the license issued under the FMS program  
8 in its discovery in June 2005. These documents were initially  
9 seized from Durrani in May 1996. After the June 12, 2005, arrest  
10 in Mexico. On the next day, Durrani was interviewed by a U.S.  
11 government agent in the offices of the Mexican Immigration in  
12 Mexico City. The U.S. government agent was informed that the  
13 export license was issued. It was in the U.S. Customs, the U.S.  
14 Department of State and most importantly, it was in the U.S.  
15 attorneys files.

16           The Mexican immigration officials met with Durrani and  
17 his attorney, Carlos Solano-Otriz, that evening. He had secured  
18 the residency for Durrani in 1998. Durrani and his attorney,  
19 were informed that the U.S. attorney and the ICE agents from San  
20 Diego insisted that Durrani be extradited from Mexico. Mexico,  
21 did not expel Durrani. The first original letter, that was  
22 prepared for this purpose, with its translation, was found in  
23 the U.S. attorneys file in San Diego. APPENDIX 'C'. It clearly  
24 states Durrani's itinerary from Mexico city to London. There is  
25 no mention of Los Angeles, California. Mexico did not purchase  
26 any airline ticket. The U.S. government arrested Durrani and  
27 purchased the ticket.

1 The Mexican government agreed to release Durrani on June  
2 15, 2005. It had agreed to a normal court proceeding to  
3 challenge the detention.

4 The documents that were required had already been  
5 submitted for the yearly residency renewal in April, 2005.  
6 APPENDIX 'D'. It was scheduled for 9:00 A.M. on June 15, 2005.  
7 The fraudulent cover up expulsion letter was created to appease  
8 the U.S. government. It clearly states that Durrani was to be  
9 delivered to Mexico city airport. APPENDIX 'E'. The U.S.  
10 government had already purchased the airline ticket prior to the  
11 issuance of this letter. This letter was issued to conceal its  
12 unlawful arrest and conduct in Mexico.

13 It dispatched three U.S. agents from the Central  
14 District on the evening of June 14, 2005, to Mexico city to  
15 arrest Durrani in Mexico and to bring him to Los Angeles,  
16 California. APPENDIX 'F'.

17 The government fabricated an arrest warrant on October  
18 27, 2005. APPENDIX 'G'. It back dated it to June 15, 2005. It  
19 lodged this arrest warrant after a month on October 27, 2005,  
20 after this case was dismissed with prejudice. It produced this  
21 arrest warrant in a subsequent case in San Diego to offset the  
22 actual arrest for the San Diego case on June 15, 2005. Appendix  
23 'H'. This document shows the arrest for this case was in Mexico  
24 and it was opened and closed on June 15, 2005. This document  
25 also shows arrest for San Diego, on June 15, 2005, and it was  
26 closed on October 27, 2005.

1 The AUSA William A. Crowfoot, stated to the court  
2 Durrani was brought for these proceedings. APPENDIX 'I'. There  
3 was no probable cause for any arrest on June 15, 2005. The U.S.  
4 government agents arrested Durrani in Mexico and brought him to  
5 the United States. APPENDIX 'J'. The government agents, Brian  
6 Bucaro and Clark Settles altered the chronology and created  
7 false investigation reports. This court must order release of  
8 the "raw notes" utilized to fabricate these reports to  
9 authenticate the facts of this case.

10 The arrest warrant lodged with the clerk on October 27,  
11 2005, was taken from the files of the U.S. Marshals Service. (CR  
12 30). This is deceit and intentional submission of fraudulent  
13 documents by the government. Whereas, the documents submitted by  
14 Durrani, show the actual facts. When compared to the  
15 investigation reports provided in discovery by the government  
16 (05CR1746-LAB) and the documents that were intentionally  
17 withheld (FOIA DOJ 07-2423, Appeal 08-0363 and DHS 07FOIA53208,  
18 Appeal 08-034/APPENDIX 'K'). One is left with nothing more than  
19 a firm belief of the duplicity, deceitful, intentional and  
20 willful creation of fraudulent investigation reports by  
21 government agents. Compare the investigation report (05CR1746-  
22 LAB BATES No. unknown, 06/15/05 at 2007, 4 pages by ICE agent  
23 Brian Bucaro/Clark Settles/APPENDIX 'C') with the investigation  
24 report submitted by AUSA William A. Crowfoot, in the Central  
25 District of California. BATES NO. 645/APPENDIX 'L'). It is clear  
26 that, misleading and fraudulent investigation reports were  
27 created to alter the chronology of the events as they unfolded.  
28

1 A review of the reports also confirm to fabricate the  
2 false allegation for lack of legal status. The U.S. government  
3 agents and their Mexican counterparts had been conducting  
4 surveillance since September 2004, They took photographs and  
5 visited Durrani's homes and business. They reviewed bank and  
6 immigration records. They did not find any problem with the  
7 legal status in those documents. The alleged claim to verify the  
8 legal status is nothing more than outright lies. It was an  
9 excuse to harm Durrani and engage in unlawful conduct.

10 After the arrest in Mexico, on June 22, 2005, the agents  
11 conducted a warrantless, illegal and without probable cause  
12 search and seizure. The government agents seized Durrani's  
13 documents and files. They took the copy of the export license.  
14 They disobeyed this courts order (CR 15) to ensure Durrani could  
15 not call his wife and obtain a copy of the export license. They  
16 threatened her and said, they would do the same to her and took  
17 away Durrani's files and his property.

18 These shipments, as all other U.S. export shipments, by  
19 regulations and law are lodged in the U.S. Customs computer upon  
20 shipment. Similarly, all exhausted export licenses are reported  
21 under the applicable C.F.R. and statute to the United States  
22 Department of State. The government was required to have known  
23 from May 18, 1994, no offense was ever committed by Durrani.

24 The Ninth Circuit recently noted in United States v.  
25 Mendoza, 9th Cir. No. 06-50447, 03/03/08 a delayed arrest was a  
26 violation of the speedy trial act when the government knew the  
27 whereabouts of the accused.

1 This arrest was particularly egregious because the  
2 highest levels of the executive branch of the U.S. government  
3 knew at all times, the home address, telephone numbers and  
4 Durrani's attorneys. Its agent met with Durrani to discuss  
5 possible killing or apprehension of Osama Bin Laden (UBL). This  
6 meeting took place at his legal residence in Mexico. They had  
7 full and complete knowledge of Durrani's status. The escort was  
8 provided by the Mexican federal government agents in Mexico.

9 The trial court could have immediately dismissed this  
10 case for speedy trial violation. It was not inclined to do so.  
11 That would have been a dismissal on a technicality of law.  
12 Durrani, has affirmatively proved complete innocence. He must be  
13 afforded the proper remedy and a judgment of innocence in the  
14 Release Order. Therefore, it is absolutely essential and a must  
15 Durrani obtain a certificate of innocence from this court. He  
16 must not suffer from any disabilities or burdens which flowed  
17 from this unlawful arrest in Mexico by U.S. government. Durrani,  
18 has a very substantial stake to restore his legal status in  
19 Mexico and United States. He is a naturalized United States  
20 citizen. He needs to recover all his assets and damages from a  
21 judgment of innocence from this court.

22 This is prosecutable criminal misconduct by the agent  
23 and the government attorneys. It spanned over two decades. It  
24 has continued to this day.



1 Durrani, was a legal resident of Mexico. His arrest in  
2 Mexico, on June 12, 2005, was under a joint bilateral agreement  
3 between United States and the Mexican government. A prearranged,  
4 false claim was made that Durrani could not establish his legal  
5 address in Mexico. Durrani had continuously maintained his legal  
6 status from 1998 until he was arrested in Mexico on June 12,  
7 2005. He paid his personal and businesses taxes. The social  
8 security payments for his workers on a monthly basis throughout  
9 his residency. The resident permit is approved on a yearly  
10 basis. The government conspiracy enumerates, when Durrani would  
11 next apply for his yearly renewal. It should be withheld, and he  
12 would be arrested. APPENDIX 'M'.

13 When he submitted his FM-3 permit to be renewed. It was  
14 withheld upon the implicit instructions of the U.S. government.

15 The govrenment created and caused to be created numerous  
16 false documents to effectuate this illegal arrest. A simple  
17 cursory review of the ICE, investigation reports highlight the  
18 contradictions. They expose the unclean hands of the U.S.  
19 government agents. They bribed the local Mexican officials in  
20 Tijuana, Mexico. They caused false documents to be created in  
21 violation of Foreign Corrupt Practices Act (FCPA), 15 U.S.C.  
22 §§78dd-2, 78ff. These illegal acts are contemporaneously  
23 mirrored in the U.S. government investigation reports.

24 These reports were discovered post dismissal in this  
25 case. They give credence to facts that, the government agents  
26 orchestrated this arrest and used this resurrected indictment  
27 for other purposes.  
28

1 After, the arrest, on June 12, 2005. Durrani was brought from  
2 Mexico, on June 15, 2005. The U.S. attorney from the Southern  
3 District of California in collusion with the U.S. Attorney in  
4 the Central District, caused Durrani to be illegally detained.  
5 In the meantime, he investigated to fabricate an offense from  
6 the unlawfully seized documents and property based on this CR99-  
7 470-PA, indictment. APPENDIX 'N'.

8         The government gained access to information legally  
9 unavailable to it in order to fabricate its complaint in the  
10 Southern District of California. It did not have the probable  
11 cause for the arrest it had already made on June 15, 2005, for  
12 which it had brought Durrani to the United States. The  
13 derivative information from this search was "fruit of the  
14 poisonous tree" and for other purposes.

15         After the government attorneys were confronted with a  
16 hearing scheduled for Monday, September 26, 2005, (USCD CR99-  
17 470-PA CR 24) to dismiss the indictment. It was followed by the  
18 Ex-Parte Application filed on the morning of September 23, 2005,  
19 (USCD CR99-470-PA CR 25). AUSA William A. Crowfoot, informed the  
20 AUSA William P. Cole, in the San Diego, to prepare his complaint  
21 on September 22, 2005, for the next day, to coincide with his  
22 dismissal the next day. This prompted these government  
23 attorneys, who had at first aborted this procedure on September  
24 9, 2005, to file their own Ex-Parte Application to dismiss this  
25 indictment.

1 This affirms and lends credence to the fact that, both  
2 these attorneys knew, that the export license was issued. It was  
3 pretextual use of this indictment to arrest Durrani, in Mexico.  
4 Further, to hold him, until an offense could be fabricated in  
5 San Diego. APPENDIX 'O'. It was done prior to the hearing  
6 scheduled on September 26, 2005, to prevent being exposed for  
7 concealing illegal conduct in a judicial proceeding.

8 On October 2, 2006, Durrani filed a petition for a writ  
9 of habeas corpus in this instant case. The district court did  
10 not order the government to show cause. The U.S. attorney made  
11 no effort or ask the leave of court to submit any response. On  
12 July 17, 2007, after waiting for approximately nine months, it  
13 issued an order denying Durrani's petition and referred it to  
14 the Ninth Circuit.

15 The Ninth circuit assigned it case number C.A. 07-73112.  
16 Durrani petitioned the Ninth Circuit. The district court order  
17 is in fact, an error of law. It did not follow the established  
18 precedent of the Supreme Court and or this circuit. It did not  
19 follow the habeas corpus rules. The Ninth Circuit correctly  
20 determined, it was a challenge to the erroneous Release Order  
21 6270. It correctly stated the petition is not a challenge to the  
22 subsequent proceedings in the Southern District. It clearly  
23 recognized the district court order for, what it was. It sought  
24 to seek a "pass" for the illegal arrest of an innocent person in  
25 Mexico on June 12, 2005. The order did not allow transfer to  
26 challenge the subsequent case developed from the "fruit of the  
27 poisonous tree".

1           The district court must first address the issue of the  
2 illegal arrest in Mexico on June 12, 2005. Otherwise, the Ninth  
3 Circuit would have condoned illegal criminal misconduct by the  
4 government agents. It clearly saw and deployed the safeguards to  
5 prevent the government attorneys from getting their free pass  
6 for their illegal conduct without any scrutiny.

7           The petition addresses the erroneous release order and  
8 not the subsequent illegal conviction 05CR1746-LAB. That is  
9 under a direct appeal, USCA 06-50344. The exhibits attached from  
10 a previous dismissed §2241, CV 06-1730-LAB (S.D. Cal 2006), is  
11 the subject of a recall of mandate. The district court order was  
12 an error of law. A §2241 petition does not require a COA from  
13 the district court, as the Ninth Circuit, recently held in  
14 Harrison v. Ollison, 9th Cir., No. 06-55470, 3/20/08. A Section  
15 §2255, does not reference, treaties. The district court should  
16 have either denied or granted the petition. A second §2241,  
17 07CV1249-LAB(NLS), was filed and withdrawn. The district court  
18 again used a procedural bar not to reach the merits of the  
19 issues presented, once again. Those challenges culminated into a  
20 Rule 33(b)1, petition. Durrani, filed it to prevent the district  
21 court to use procedural bar and answer the motion on its  
22 merits. It was denied under "lack of jurisdiction" without first  
23 reaching its merits. It did not follow the Ninth Circuit  
24 precedent in U.S. v. Frame, 454 F.2d 1136 (9th Cir. 1972) Cert.  
25 denied, 406 U.S. 925, 92 S.Ct. 1794, 32 L.Ed 2d 126 (1972). It  
26 is currently upon appeal under USCA 08-50007, seeking remand to  
27 either, grant or deny the petition.

1 Durrani, is fully aware that the government attorney  
2 does not want the district court to reach the merits of the  
3 issues. It would be forced to grant the petition(s) as a matter  
4 of law. That would be admission of the governments unlawful  
5 conduct. Not surprisingly, the government attorney did not  
6 attach the \$2241, petition 3:07-CV-1196(SRU), Arif A. Durrani v.  
7 S.A. Holencik. It was filed in the District of Connecticut. It  
8 would have confirmed this court has jurisdiction for its  
9 erroneous release order it issued on September 23, 2005.  
10 Durrani, seeks the correction of his release order to reflect  
11 his innocence. It was not granted on some technicality of law.  
12 The current Release Order does not reflect the true reason for  
13 the dismissal, and furthermore, it never intended to release  
14 Durrani. It was merely a step in the continuation of the  
15 governments unlawful conduct. Therefore, a new proposed release  
16 order is submitted. APPENDIX 'P'. Durrani is entitled to such a  
17 certificate. He is an innocent person. He should not have been  
18 arrested at all. He should not have been brought from Mexico. He  
19 did not commit any offense. These are the facts of this case.

20 //

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## III

## SUMMARY OF THE ARGUMENTS

First, under Carafas v. LaVallee, 391 U.S. 234, 20 L Ed 2d 554, 88 S. Ct. 1556 (1968), the district court has jurisdiction under 28 U.S.C. §2241. The court erred in failing in its July 17, 2007, order to grant the writ. Instead, the court improperly denied the petition, construed it as a §2255, stated it lacked jurisdiction and transferred it to the Ninth Circuit Court of Appeals.

Second, the district court erred under Walker v. Wainworth, 390 U.S. 335, 88 S. Ct 962, 19 L Ed. 2d 1215 (1968), See also, Carafas v. LaValle, 391 U.S. 234, 239, 88 S. Ct. 1556, 20 L Ed. 2d 554 (1968). The basis for the district court's disposition of the issues is not valid. On remand Durrani's contention must be determined upon the merits.

Third, the underlying claim for correction of the Release order 6270, is based upon actual innocence. Durrani has clearly established his innocence. He should not have been indicted nor arrested. The government had known from May 18, 1994, no offense was ever committed against the United States.

Fourth, 28 U.S.C. §2241 dictates that the merits of Durrani's contention cannot be passed by this district court before determination of the first issue of the unlawful arrest. Durrani was arrested in Mexico and brought to the United States on June 15, 2005, for this indictment.

1 He is not required to pass his first claim in this court  
2 in deciding to resort to any claims in unlawful subsequent  
3 proceedings. The "merits" cannot stand unresolved in this  
4 district for which he was brought from Mexico by the U.S.  
5 government.

6 Fifth, the district court must reach the merits of the  
7 pretextual unlawful arrest in Mexico of an innocent person, to  
8 manufacture a probable cause for any other subsequent  
9 proceedings.

10 Sixth, the district court must issue a certificate of  
11 innocence, and curtail any collateral consequences that flowed  
12 from the unlawful arrest. It must reach the merits of the Rule  
13 48(a), bad faith claim for the dismissal of the indictment by  
14 the government attorneys.

15 Seventh, Durrani, has produced the governments own  
16 document that, he was arrested in Mexico. The document  
17 affirmatively states he was extradited. Therefore, the  
18 respondent must produce all the documentation by which the  
19 government gained Durrani's presence in the United States, for  
20 an offense he has never committed which was known to the  
21 government from May 18, 1994. Respondents bases all of its  
22 arguments upon its contention that, Durrani, was not extradited  
23 from Mexico, and asserts he was arrested in Los Angeles.  
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## IV

## ARGUMENT

## DISTRICT COURT HAS JURISDICTION

## TO ADJUDICATE THIS 28 U.S.C. §2241 PETITION

The U.S. District court has jurisdiction of Durrani's §2241 petition to correct the Release Order. The Ninth Circuit, Court of Appeals, specifically remanded this case back to this court to address the Release Order 6270, dated September 23, 2005. Exclusive Relief Pursuant to 28 U.S.C. §2241, provides "[t]he writ of habeas corpus shall not extend to prisoner unless...[h]e is in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. §2241(c)(3) (emphasis added). On the other hand, Section §2255 provides relief for federal prisoners on "the ground that the sentence was imposed in violation of the Constitution or laws of the United States, or that the court was without jurisdiction to impose such sentence, or that the the sentence was in excess of the maximum authorized by law, or is otherwise subject to collateral attack". 28 U.S.C. §2255 does not reference treaty violations.

This is a 28 U.S.C. §2241, to correct a erroneous Release Order 6270, issued by this court. There is no sentence to vacate, set aside or correct. It is not a second or successive habeas petition. It is clearly established that Durrani was innocent of the underlying offense, which the government knew from May 18, 1994.



1 [U]nder the doctrine, codified, it cannot be barred, as  
2 second or successive. The challenge is for the unlawful arrest  
3 of an innocent person. It is not reflected in the Release Order  
4 issued by this court.

5 It provides that "[t]he court....shall dispose of the  
6 matter as law and justice require." 28 U.S.C. §2243. "collateral  
7 consequences" flow from the erroneous release order. See,  
8 Carafas v. LaVallee, 391 U.S.: 234, 237, 88 S.Ct. 1556, 1589, 20  
9 L.Ed.2d 554 (1968). There is no need in the statute, the  
10 Constitution, or sound jurisprudence for denying to petitioner  
11 his ultimate day in court." id. 559

12 Durrani, has a current §2241 petition filed in the U.S.  
13 District Court, Bridgeport, Connecticut, 3:07-CV-1196(SRU), Arif  
14 A. Durrani v. S.A. Holencik,. It seeks relief from disabilities  
15 from a previous unlawful conviction for events related to the  
16 Iran-Contra, investigation. The conviction was barred by  
17 statute. No aspect of the hostage release efforts or Iran  
18 initiatives were claimed to have been illegal, and by the  
19 Presidential finding dated January 17, 1986, for involvement of  
20 private third parties.

21 Similarly, Durrani, was innocent for the offense alleged  
22 in the indictment CR99-470-PA, which the government was required  
23 to have known. The arrest was unlawful. Durrani, is entitled to  
24 full remedy to restore his status and property. No aspect of  
25 this unlawful arrest can be used for any other purposes.

LOCATION OF THE ARREST BY U.S. GOVERNMENT  
AND SURRENDER BY MEXICO

Durrani was arrested in Mexico on June 12, 2005, and brought to the United States on June 15, 2005, by U.S. Marshals. APPENDIX 'Q'. It was the formal arrest of an innocent person. No offense was ever committed against the United States to justify this arrest. There was no probable cause for this arrest. It was conducted under a bilateral agreement. A demand for the arrest was made by the United States upon the other treaty party for the extradition. See, Stevenson v. United States, 381 F.2d 142, 144 (9th Cir. 1967).

The Respondent asserts in its motion on Page 2, line 8 - 9 as follows: "Defendant, who was had been living in Mexico, was arrested in Los Angeles on June 15, 2005."

The record reflects it is a blatant lie. The government attorney omits the most crucial aspect the arrest location in Mexico. It confirms the arrest warrant lodged on October 27, 2005, is a forgery. His counterpart's similar assertion in San Diego, are also false in Exhibit B, CR # 10, n 1, 3:06-CV-1730-LAB-JMA, 2:06-CV-06281-PA CR # 25-2, page 13). The Exhibit 'D' submitted by the government and emphasized as "one crucial document" is the focal point of the cover up of its unlawful conduct. It did not submit the first, preceding letter retrieved from them. APPENDIX 'R'. Their motive is evident from the date of the translation of their exhibit. They knew on September 16, 2005, an export license was issued. It was done in preparation of the original intent to use this bogus indictment as a ruse to fabricate an offense in San Diego. This is criminal misconduct.

1 It has not submitted its instructions to fabricate these  
2 document(s). (FOIA DOJ 07-2423 (Appeal 08-363) DHS 070IA53208  
3 (Appeal 08-034). The second revised document submitted is  
4 crystal clear to deliver Durrani to Mexico City International  
5 airport. The U.S. government purchased the airline ticket, prior  
6 to the issuance of this letter. The government has lost all  
7 creditability. It has lied to this court. It has lied to the  
8 appellate court. It needs to come clean. The chronology and the  
9 documents affirm this conclusion

10 It is by intent to deceive the court(s). It cites in its  
11 defense, United States v. Alvarez-Machain, 504 U.S. 655 (1992),  
12 and United States v. Matta-Ballesteros, 71 F.3d 754, 761-62,  
13 764-65 (9th Cir. 1996). Apparently, implying and suggesting the  
14 government actually kidnapped and or abducted Durrani. Assuming,  
15 this is to be the government's justification for its contention.  
16 The only other contention would be that Durrani, was extradited  
17 from Mexico. Both these assertions fail. However, phrased. There  
18 was no probable cause to arrest a known innocent person. It is a  
19 violation of the Fourth Amendment. It does not permit any search  
20 or seizure, nor unlawfully kidnap or extradite Durrani from his  
21 legal residence. These actions were bilateral, violating laws of  
22 three different countries.

23 Then, the inquiry must turn to the motive for the  
24 unlawful arrest in Mexico. From the chronology of the events the  
25 only inference that can be made is that, the government brought  
26 Durrani, from Mexico, for other purposes.  
27  
28

1 It would be a fair conclusion to infer its objective was  
2 to fabricate an offense in San Diego. The ICE investigation  
3 reports assert exactly this conclusion. The Central District  
4 District court is not the gateway to unlawfully arrest innocent  
5 person(s) for a rouge AUSA in San Diego.

6 This court must take judicial notice of the untruthful  
7 representations made by the government attorney.

8 With the analysis of ICE reports, Bates No. 645,  
9 APPENDIX 'L', it further shows the duplicity and intentional  
10 fabrication of investigation reports by ICE agent Brian  
11 Bucaro/Clark Settles. AUSA William A. Crowfoot, was not even  
12 assigned to this case. (07-50031, BAUS Footnote 4, Page 6) until  
13 the initial apperance.

14 All instructions emanated from San Diego. The unlawful  
15 pretextual arrest was for other purposes. The government's  
16 objective was to gain access to Durrani's files, documents and  
17 to seize his property, based upon this indictment. Hence, it was  
18 used for other purposes. APPENDIX 'S'. Both, the government  
19 attorney's knew, and continued to unlawfully hold Durrani, a  
20 known innocent person, in violation of the Fourth Amendment.  
21 APPENDIX 'T'. The SED's were in their possession since May 18,  
22 1994.

23 FORGED ARREST WARRANT CREATED ON OCTOBER 27, 2005.

24 The arrest warrant lodged in this case on October, 27,  
25 2005, after the dismissal of the indictment, did not exist until  
26 October 27, 2005. It was forged to conceal the arrest in Mexico.

1 The only use that could be derived from this document is  
2 to support the subsequent proceeding. The government's thought  
3 process is flawed. It appears to argue its initial extradition  
4 and or kidnapping of an innocent person from Mexico, can be  
5 overcome by multiple prosecutions that can be derivative of the  
6 initial "fruit of the poisonous tree" unlawful search or seizure  
7 of person and property. There is no foundation for such conduct  
8 in Statute or case law precedent.

9 The government forged arrest warrant was not presented  
10 to this court. It was produced in the subsequent case in San  
11 Diego. It was utilized to conceal its motive for the June 12,  
12 2005, arrest in Mexico. Where there is motive, there is a  
13 reason. Without the forgery, the government's arguments fail. It  
14 argues for a free pass for this unlawful arrest, seizure, and  
15 the creation of a probable cause from its unlawful arrest, for a  
16 subsequent case in San Diego. It does not want this court's  
17 scrutiny of its unlawful arrest and its use by the government.

18 Apparently, it rests its recommendation for a transfer  
19 to take away the spotlight from how it gained Durrani presence.  
20 Additionally, how it obtained the documents and property  
21 utilizing this indcitment for its fabrication of the indictment  
22 in San Diego.

23 RETURN OF PROPERTY TAKEN UPON DISMISSAL OF INDICTMENT

24 The property taken based upon this indictment must be  
25 returned (USCA 07-55086). The U.S. district court in Connecticut  
26 has already disavowed any responsibility for these actions or  
27 taking away of the property. APPENDIX 'U'.  
28

1 This court has an obligation to order return of all the  
2 property taken from an innocent person upon dismissal of this  
3 indictment to effectuate complete justice and final dismissal of  
4 the case.

5 RULE 48(a) DISMISSAL WAS IN BAD FAITH

6 The record in this case reveals sufficient evidence to  
7 infer the government made the motion to dismiss the indictment  
8 in bad faith. The plan to dismiss the indictment on September 9,  
9 2005, which was aborted and done on September 23, 2005, was  
10 collusion between the two government attorneys. APPENDIX 'V'.  
11 This court must protect Durrani's rights. The record exposes the  
12 true reason for dismissal was in derogation of Durrani's rights.  
13 The government attorney is under obligation to supply sufficient  
14 reasons.

15 DURRANI HAS PROVIDED EVIDENCE OF THE GOVERNMENT'S

16 ARREST AND EXTRADITION FROM MEXICO

17 The government attorney asserted on Page 7, that,  
18 "without supporting evidence, that he was extradited and/or  
19 kidnapped from Mexico by United States government".

20 Now, the government attorney has the document, APPENDIX  
21 'W', showing Durrani was arrested in Mexico by U.S. Marshals,  
22 and extradited from Mexico. The government attorney is obligated  
23 to produce all of the documents concealed for the court to make  
24 its own determination of the veracity of the government's  
25 assertions. Mexico never expelled Durrani. The government used  
26 this indictment to conceal its unclean hands for the extradition  
27 on June 15, 2005, without probable cause. The San Diego, arrest  
28 is reflected in the U.S. Marshals document, APPENDIX 'X'.

1 The arrest for San Diego, was executed on June 15, 2005,  
2 and by use of the forged arrest warrant from this case closed on  
3 October 27, 2005, after this case was already dismissed with  
4 prejudice on September 23, 2005. This case was used for other  
5 purposes, by the government. This is not permitted by any  
6 statute or precedent. This is criminal prosecutorial misconduct.

7 THE COURT MUST ORDER AN INVESTIGATION AND REVIEW



8 Durrani, had filed a complaint with the Inspector  
9 General, Department of Justice, Pursuant to 28 U.S.C. §535(b),  
10 and with the U.S. Attorney's Office. The complaint has been  
11 forwarded to the FBI. Durrani, has reviewed all of the evidence,  
12 and requests this court to order an investigation to preserve  
13 judicial integrity of the court processes. APPENDIX 'Y'.

14 CONCLUSION

15 Durrani, has step by step, dismantled the veil of  
16 deception by government attorneys. Although, numerous relevant  
17 documents were reviewed and retrieved, a limited number have  
18 been submitted as exhibits in support of the arguments.

19 For the foregoing reasons, Durrani, respectfully  
20 requests that the Court construe this §2241 petition for a writ  
21 of habeas corpus on its merits, amend and issue the proposed  
22 release order enclosed. Alternatively, order an investigation of  
23 the arrest in Mexico, and the full disclosure of the official  
24 record to preserve Durrani's rights, and dispose of the writ as  
25 law and justice require.

1 Respectfully submitted, on this 11th day of April, 2008.

2   
3 Arif A. Durrani, Petitioner  
4 

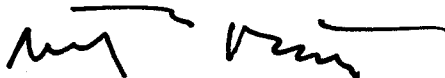
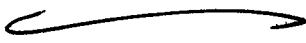
5 AFFIDAVIT OF MAILING

6  
7 Arif A. Durrani, hereby attests that pursuant to the  
8 rules of the U.S. District Court, the preceding motion was  
9 enclosed in an envelope, first class postage prepaid and  
10 addressed to:

11  
12 Clerk of the Court  
13 U.S. District Court  
14 312 North Spring Street  
Los Angeles, CA 90012

15 AUSA William A. Crowfoot  
16 U.S. Attorneys Office  
17 U.S. Courthouse  
312 North Spring Street  
Los Angeles, CA 90012

18  
19 It is further attested that the envelope were deposited  
20 with the mail room at the Federal Correctional Complex on the  
21 11th day of April, 2008.

22   
23 Arif A. Durrani  
24   
25 /  
26 //



1 Arif A. Durrani  
2 Reg. No. 09027-014  
3 Federal Correctional Complex  
4 Victorville I  
5 Adelanto, CA 92301  
6  
7  
8  
9

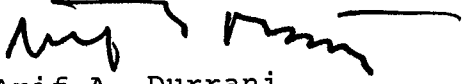
UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

10 ARIF A. DURRANI,  
11 Petitioner,  
12 v.  
13 S.A. HOLENCIK,  
14 Respondent.  
15

CASE No. CV-06-6281-PA  
SUMMARY OF APPENDIX'S  
A THROUGH Z  
FOR QUICK REFERENCE BY  
BY THE U.S. DISTRICT COURT

16 Arif A. Durrani (Petitioner), hereby submits his  
17 Appendix, A through Z, with the summary of the contents and in  
18 support of his petition for quick reference by the U.S. District  
19 Court.

20 Respectfully submitted, on this 11th day of April 2008.

21   
22 Arif A. Durrani  
23 Petitioner  
24  
25  
26  
27  
28

SUMMARY OF APPENDIX SUBMITTED

APPENDIX 'A'

Ninth Circuit Order, dated October 24, 2007. 1 page.

The Ninth Circuit will consider merits of the claim how a fraudulent indictment and unlawful arrest took place of an innocent person. The U.S. District Court must establish the record for appellate review for this claim.

APPENDIX 'B'

Report 018/AWB 3 pages.

The government agent and attorneys had these documents in their possession. They show the export license was issued before they obtained the indictment from the grand jury.

APPENDIX 'C'

INM # 4220/BATES 0167 June 14, at 5:00 P.M. 1 page.

This letter was concealed by the government. It was initially created upon instructions of the U.S. government agents from San Diego, seeking the cancellation of the immigration status. The court must take judicial notice that Mexico never intended to surrender Durrani to the U.S. Marshals agents in Mexico city.

APPENDIX 'D'

05CR1746-LAB(CR # 32) 9 pages.

The Mexican Immigration documents given to Durrani, are clear, the application for renewal was submitted. It should be noteworthy that, there is no allegation for denial of the renewal. All the relevant documents were correct and

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1 conclusively contradict the false statements made by AUSA  
2 Crowfoot, on page 7, in his motion requesting to Transfer or  
3 Dismiss Defendants Petition. This court should take judicial  
4 notice of these false statements made to it during the course of  
5 this case. (Transcripts ordered but not delivered). The conduct  
6 of the government attorney must be referred to the office of the  
7 Inspector General, Department of Justice, for investigation and  
8 criminal misconduct and prosecution. It is clear and undisputed  
9 fact, that based on the Mexican government documents, which are  
10 countersigned, translated and provided to the court(s) show, the  
11 documents submitted by the government attorneys, are in fact,  
12 false. The government of Mexico, in a normal court proceeding,  
13 which is required, could have contested the renewal. It did not.  
14 It could have made a judicial determination not to renew them.  
15 It is evident that it could not contest it because every single  
16 requirement was met. These renewal were done on a yearly basis  
17 for the past (7) seven years. Therefore, the question of legal  
18 status, could never have been an issue. It was not an issue in  
19 2005, either. Until the U.S. government agents prompted to cause  
20 its cancellation. They caused fraudulent documentation to be  
21 created. They engaged in willful criminal conduct.

22       There should be no doubt by this court, as a fact  
23 finder, the government has engaged in criminal conduct. The  
24 example is within this court. It had to dismiss this indictment  
25 because, no offense was ever committed. It took over a decade to  
26 ferret out criminal conduct by the government attorneys and  
27 agents in this district.

28 /

APPENDIX 'E'

INM # 5530 June 14, 2005, 9:00 P.M./Airline tickets, 3 pages.

The arrest took place in Mexico of an innocent person. Durrani was brought to this district. He was unlawfully held to allow the AUSA in San Diego, to fabricate another fraudulent offense.

APPENDIX 'F'

The U.S. Marshals documents retrieved from AUSA William P. Cole, CASD, 2 pages.

The documents confirm the arrest was in Mexico of an innocent person on June 12, 2005, upon the instructions of AUSA William P. Cole.

APPENDIX 'G'

The October 27, 2005, forged arrest warrant. 1 page.

The forgery was made by ICE agents on October 27, 2005. This document was taken from U.S. Marshals on October 27, 2005. It was stamped with the ICE arrest validation stamp to create this forgery. This is the reason the U.S. Marshals do not have their copy in their files.

APPENDIX 'H'

The U.S. Marshal document # 3. 1 page.

This document confirms the arrest was in Mexico. It was upon U.S. government attorney and agents instructions.

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APPENDIX 'I'

05CR1746-LAB, Bail Hearing in the Central District, 17 pages.

The government statements clearly set forth the real objective of the its agents and the attorneys. It made the arrest in Mexico for San Diego, on June 12, 2005. It used the indictment CR99-470-PA, from this district to unlawfully hold Durrani. Its undisputed objective was to fabricate an indictment in San Diego. AUSA William Crowfoot's own admission that the arrest on June 12, 2005, was made, when there was no probable cause for the arrest(s), for CR99-470-PA, the fraudulent indictment, and most certainly, 05CR1746-LAB, which did not even exist on June 12, 2005.

It is undisputed, Durrani was arrested without probable cause. The probable cause was manufactured after the arrest of a known innocent person.

It confirms the arrest was in Mexico. The arrest warrant was lodged on October 27, 2005. It was a forgery created upon instructions of AUSA William P. Cole.

APPENDIX 'J'

The U.S. Marshals document, showing the location of arrest, Mexico. 09/28/05, 2 pages.

This document again provides confirmation the arrest was in Mexico.

APPENDIX 'K'

The Civil FOIA lawsuit, 08-CV-00609, 7 pages.

The filed copy of the civil lawsuit filed to officially recover the documents showing fraud by the U.S. attorney upon

1 Durrani and the courts.

2 APPENDIX 'L'

3 Arrest Report # 018/San Digeo/ICE, 3 Pages.

4 The fabricated false investigation report by ICE agents  
5 Brain Bucaro/Clark Settles, that was concealed by the government  
6 attorney.

7 APPENDIX 'M'

8 ICE Report, Brian Bucaro, 06/15/05 at 2007 P.M., 5  
9 Pages.

10 The admission that the arrest was in Mexico on June 12,  
11 2005. It was for San Diego. The fraudulent indictment CR99-470-  
12 PA, was a ruse to make the arrest and fabricate the charges in  
13 San Diego. The unlawful arrest, and to bring Durrani to the U.S.  
14 from Mexico. There was no layover nor any expulsion by Mexico.

15 APPENDIX 'N'

16 The CJA attorney, Sylvia Torres-Guillen's, notes, Re:  
17 AUSA Cole 7/14, 8/9, 8/15, 8/19/05. 3 pages.

18 The notes of Durrani's attorney to confirm that, AUSA  
19 William P. Cole, was busy fabricating the charges in San Diego,  
20 from the unlawful seizure of person and property. The use of  
21 CR99-470-PA was for other purposes.

22 APPENDIX 'O'

23 The Ex-Parte Application, Rule 48(a), 5 pages.

24 The bad faith ex-parte application, with false  
25 statements. Durrani, was not barred. See, Bates # 0246, 0247 and  
26 0248. Furthermore, the conviction in 1987 is barred by statute.  
27 See, 5:86-cr-0059-1(SRU) and 3:07-CV-1196(SRU), APPENDIX 'Z'. 28  
28 U.S.C. §2241, Durrani v. Holencik. Acceptance of the writ by the

1 district court because the Petition cannot be transferred.  
2 Further, This Petition is based on actual undisputed innocence.  
3 It must be adjudicated in this district.

4 APPENDIX 'P'

5 The PROPOSED ORDER, 2 pages.

6 The Proposed order seeking correction and certificate of  
7 innocence. No offense was committed by Durrani. The order must  
8 reflect actual innocence.

9 APPENDIX 'Q'

10 The U.S. Marshals document, 09/06/07. Arrest in Mexico.  
11 1 page.

12 The arrest took place in Mexico. The arrest warrant  
13 lodged on October 27, 2005, in CR99-470-PA, is a forgery to  
14 cover up the actual arrest in Mexico on June 12, 2005.

15 APPENDIX 'R'

16 NIM Mexico, translated letter # 4220, dated 06/14/05. 1  
17 page.

18 This letter did not suffice to make the unlawful arrest  
19 in Mexico city. It was withheld by the government. A new letter  
20 was created and referred by AUSA Crowfoot, as "one very  
21 important document". See, APPENDIX 'I', page 11, line 23 - 25  
22 and page 12, line 1 - 3. The parroting of Alvarez-Machain, page  
23 12, line 4 - 9, does not permit extradition nor kidnapping of  
24 innocent person(s) by fabricating fraudulent indictment(s). Most  
25 importantly, if Durrani was expelled from Mexico, the government  
26 attorney must explain, why did the U.S. government (AUSA William  
27 P. Cole) send three U.S. Marshal's to arrest Durrani in Mexico?  
28 The answer cannot be other than that, all the documents are

1 false, they were specifically created upon the instructions of  
2 the U.S. government agents, to unlawfully violate laws of three  
3 different countries. This is prosecutorial criminal misconduct.  
4 They must be prosecuted.

5 APPENDIX 'S'

6 05CR1746 (CR # 29) Governments Response for Motion to  
7 Dismiss. 20 pages.

8 The motive for the unlawful arrest in Mexico. It was  
9 quite clear the governemnt reliance on CR99-470-PA, to make an  
10 unlawful arrest first, and then to, fabricate a probable cause.  
11 This is use for other purposes.

12 APPENDIX 'T'

13 The subpoena for Circle International documents/Crowfoot  
14 letters to State Dept. 4 pages.

15 It is apparent the government attorney and the agent do  
16 not have any knowledge about FMS export procedures. It should be  
17 obvious to them an export license was issued. They had the copy  
18 of the export license. No offense was ever committed.

19 APPENDIX 'U'

20 The U.S. District Court Order. Case Closed. 1 page.

21 This is an honest District Court Judge. He unfortunately  
22 inherited this case. He is required to adjudicate it on its  
23 merits. He is not oblivious to criminal prosecutorial misconduct  
24 by government attorney's from this district. He declined to  
25 accept any responsibility for seizure of property on account of  
26 this closed case utilizing CR99-470-PA. This District Court  
27 should make its own judicial inquiry, and come to the same  
28 conclusion to prevent itself being used for prosecutorial



1 criminal misconduct. This District Court has and is currently  
2 withholding property required for this case. (USCA 07-50031) The  
3 property should have been returned in compliance with the clear  
4 Ninth Circuit, Court of Appeals, precedent in United States  
5 v.Martinson., 809 F.2d. 1364 (9th Cir. 1987). The government  
6 must keep proper records and provide notice prior to any  
7 destruction of property. United States v. Cardona-Sandoval, 518  
8 F.3d 13, (1st Cir. 2008).

9 APPENDIX 'V'

10 05CR1746-LAB (CR # 7) ICE Report. 3 pages.

11 The first attempt to dismiss the case was on September  
12 9, 2005. It states the arrest date of September 9, 2005. It is  
13 exactly as stated during the course of the CR99-470-PA, court  
14 proceedings. (transcripts ordered but not delivered). It would  
15 be fair to infer, the agents and the government attorneys have  
16 always known, an export license was issued and in their  
17 possession from May 1994.

18 APPENDIX 'W'

19 The U.S. Marshals document. Location of arrest in  
20 Mexico. 1 page.

21 It clearly, sets forth the arrest was in Mexico, upon  
22 the U.S. government agents instructions. The fraudulent  
23 documents to cover up the unlawful arrest and to bring Durrani  
24 to the U.S. based upon CR99-470-PA, which is a fraudulent  
25 indictment.

26 //

27 //

28 //

APPENDIX 'X'

The U.S. Marshal document. 06/15/05 arrest in Mexico. 1 page.

It confirms the unlawful arrest in Mexico.

APPENDIX 'Y'

The Inspector General's letter for investigation to FBI. 1 page.

The district court should refer this case to the FBI for investigation for the criminal misconduct by the U.S. attorneys and the ICE agents.

APPENDIX 'Z'

The U.S. District Court, Connecticut, documents to confirm a 28 U.S.C. §2241, is cognizable for a claim of actual innocence for which it has jurisdiction.

This District Court has jurisdiction for the 28 U.S.C. §2241 Petition. It must grant the correction of the Release Order 6270, and return all the unlawfully seized property. It must bar any derivative use of the unlawfully seized property. If destroyed or unavailable, to order payment for the replacement to effectuate complete justice.

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# APPENDIX A

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

OCT 24 2007

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ARIF ALI DURRANI,

Defendant - Appellant.

No. 07-50031

D.C. No. CR-99-00470-PA  
Central District of California,  
Los Angeles

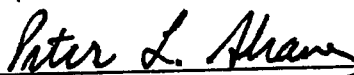
ORDER

Before: Peter L. Shaw, Appellate Commissioner.

Appellant's motion entitled "obligation to affirm or deny unlawful act(s)" is denied.

Appellant's "supplement to submit documents to confirm kidnapping by government was based upon a fraudulent indictment" is referred to the panel assigned to consider the merits of this appeal.

The answering brief remains due October 29, 2007. Appellant's optional reply brief is due within 14 days after service of the answering brief.



General Order 6.3(e)

# APPENDIX B

DEPARTMENT OF HOMELAND SECURITY ICE		1. [REDACTED]		
REPORT OF INVESTIGATION		2. PAGE 1		
		3. [REDACTED]		
4. TITLE: ARIF A. DURRANI DBA LONESTAR				
5. CASE STATUS: INTERIM RPT				
6. REPORT DATE 051099	7. DATE ASSIGNED 050593	8. [REDACTED]	9. [REDACTED]	10. REPORT NO. 018
11. RELATED CASE NUMBERS: [REDACTED]				
12. COLLATERAL REQ:				
13. TYPE OF REPORT: INVESTIGATIVE FINDINGS				
TOPIC: SEALED INDICTMENT NAMING DURRANI FOR UNLICENSED EXPORTS TO JORDAN				
14. SYNOPSIS: The Resident Agent in Charge, Oxnard, California is investigating alleged illegal exports by Arif A. Durrani, doing business as Lonestar Aerospace, Inc. The investigation was initiated in May, 1993, based upon allegations that Durrani was seeking to purchase defense articles for export, despite being ineligible to obtain export licenses from the US Department of State, Office of Defense Trade Controls.  On 07MAY99, Arif Durrani was indicted, under seal, in the Central District of California for two counts of violating 22USC2778(b)(2), exporting ITAR controlled items without having first obtained an export license, for two unlicensed exports of General Electric J85 military jet aircraft engine compressor blades to the Royal Jordanian Air Force. On 07MAY99, RAIC/Oxnard Senior Special Agent E. Wayne Kempton testified to the Grand Jury for the Central District of California regarding the above. The investigation continues at the direction of the US Attorney.				
15. DISTRIBUTION: [REDACTED]		16. SIGNATURE: _____ KEMPTON ERNEST W SENIOR SPEC AGENT		
		17. APPROVED: _____ BAIRD PAMELA J RAC - RES. AGENT IN C		
		18. ORIGIN OFFICE: OX OXNARD - RAC		19. TELEPHONE: 805 988 8690
		20. TYPIST: KEMPTON		

OFFICIAL USE ONLY

THIS DOCUMENT IS LOANED TO YOU FOR OFFICIAL USE ONLY AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY, ICE. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO ICE HEADQUARTERS TOGETHER WITH A COPY OF THE DOCUMENT.

<b>LONESTAR AEROSPACE INC.</b> HANGAR ONE CAMARILLO AIRPORT CAMARILLO, CALIFORNIA 93010 U.S.A.				Air Waybill Issued by <b>ALIA-ROYAL JORDANIAN</b>			
Consignee's Name and Address <b>CENTRAL BANK OF JORDAN, AMMAN</b> FOR ACCOUNT OF THE BUYERS H.Q. ROYAL JORDANIAN AIR FORCE (FREIGHT PAYABLE AT DESTINATION)				Consignee's Account Number It is agreed that the goods described herein are accepted in payment of the contract on the reverse hereof. ALL GOODS MAY BE CARRIED BY ANY OTHER MEANS INCLUDING ROAD OR ANY OTHER CARRIER UNLESS SPECIFIC CONTRARY INSTRUCTIONS ARE GIVEN HEREON BY THE SHIPPER. THE SHIPPER'S ATTENTION IS DRAWN TO THE NOTICE CONCERNING CARRIER'S LIMITATION OF LIABILITY. Shipper may increase such limitation or liability by declaring a higher value for carriage and paying a supplemental charge if required.			
Issuing Carrier's Agent Name and City <b>CIRCLE INTERNATIONAL, INC.</b> LINTHICUM, MARYLAND, U.S.A. REF# 613014200				Accounting Information <b>FREIGHT TO BE EFFECTED BY OPENERS OF THE CREDIT SHIPPING AGENTS M/S CIRCLE INTERNATIONAL INC 810-R OREGON, LINTHICUM MD 21090, U.S.A.</b>			
Airway IATA Code <b>05.6.8517/013</b>		Account No.		Airport of Departure (Addr. of first Carrier) and requested Routing <b>NEW YORK A/P</b>			
To <b>AMM</b> By First Carrier <b>ROYAL JORDANIAN</b>				Declared Value for Carriage <b>\$ 16,605.00</b>			
Airport of Destination <b>Q.A.I. A/P AMMAN</b>				Flight/Date <b>JORDAN RJ 092/18</b>			
Handling Information <b>RJAF/TP/AC/J85/94/1/L/1549 CJ0999</b>							
<b>JORDAN</b>							
These commodities licensed by the U.S. for ultimate destination							
Diversion contrary to U.S. law prohibited.							
No of Pieces PLP	Gross Weight	Rate Class	Chargeable Weight	Rate Charge	Total		
2	5.5 K	GCR	14.5K	9.94	\$ 114.13		
CENTRAL BANK OF JORDAN L/C NO. 204/94 DATED APR 13, 1994. ARAB BANK PLC ADVICE NO. 94/20622 DATED APRIL 21, 1994.							
2	5.5 K				\$ 114.13		
Freight		Weight Charge		Collect			
				114.13			
Valuation Charge							
Tax							
Total Other Charges Due Agent							
Total Other Charges Due Carrier							
Total Freight		Total Collect		114.13			
Currency Conversion Rate		CC Charges in Dest. Currency					
For Carriers Use only at Destination		Charges at Destination					
Shipper certifies that the particulars on this face hereof are correct and that insofar as any part of the consignment contains dangerous goods such part is properly described by name and is in proper condition for carriage by air according to the applicable Dangerous Goods Regulations.							
LONESTAR AEROSPACE, INC. <i>M.K. Varghese</i> M.K. VARGHESE/AGENT Signature of Shipper or his Agent							
18 MAY 1994 BALTIMORE, MD. <i>M.K. Varghese</i> Executed on (date) at (place) Signature of Issuing Carrier or its Agent							
Total Collect Charges <b>AS AGENT FOR ALIA-ROYAL JORDANIAN AIRLINES</b>							

LONESTAR AEROSPACE, INC  
HANGAR ONE CAMARILLO AIRPORT  
CAMARILLO CALIFORNIA 93010  
U.S.A.

Issued by ALIA-ROYAL JORDANIAN

Copies 1, 2 and 3 of this Air Waybill are originals and have the same validity.

Consignee's Name and Address

Consignee's Account Number

CENTRAL BANK OF JORDAN, AMMAN  
FOR ACCOUNT OF THE BUYERS  
H.O. ROYAL JORDANIAN AIR FORCE  
(FREIGHT PAYABLE AT DESTINATION)  
Issuing Carrier's Agent Name and City

CIRCLE INTERNATIONAL, INC.  
LINTHICUM, MARYLAND, U.S.A.  
REF# 613014200

Agent's IATA Code

Account No.

05.6.8517/013

Airport of Departure (Addr. of first Carrier) and requested Routing

NEW YORK A/P

To By First Carrier

To

By

To

By

Currency

Rate

Unit

Value

Other

Value

Other

Value

Other

Value

Other

Value

Other

Value

Other

Value

Other

Value

Other

Value

Other

AMM DOBAT JORDANIAN

Flight/Date

To Carrier Use only

Flight/Date

Amount of Insurance

INSURANCE - If carrier offers insurance and such insurance is requested in accordance with conditions on reverse hereof indicate amount to be insured in figures in box marked "Amount of Insurance".

A A T A M AMMAN JORDAN RI 002/18

Handling Information

RJAF/TP/94/J85/4/1662

LOT NO. CJ1004 TAG NO. 613014266

Those commodities licensed by the U.S. for ultimate destination

JORDAN

Diversion contrary to U.S. law prohibited.

No. of Pieces RCP	Gross Weight	Net Weight	Rate Class	Commodity Item No.	Chargeable Weight	Rate	Charge	Total
4	10 K		GCR		22.5K	9.94		\$223.65
CENTRAL BANK OF JORDAN L/C NO. 231/94 DATED APR 26 1994 ARAB BANK PLC ADVICE NO. 94/20593 DATED MAY 4. 1994.								
								\$223.65

"JSS ENGINE PARTS"  
AS PER ATTACHED LETTER  
RJAF/TP/94/J85/4/1662  
DATED APRIL 10. 1994.

DIMS: 17X11X11 IN X 4

Prepaid	Weight Charge	Collect
	Valuation Charge	
	Tax	
	Total Other Charges Due Agent	
	Total Other Charges Due Carrier	
	Total Prepaid	Total Collect
	Currency Conversion Rules	CC Charges in Desc Currency
	For Carriers Use only at Destination	Charges at Destination

Other Charges

Shipper certifies that the particulars on the face hereof are correct and that insofar as any part of the consignment contains dangerous goods such part is properly described by name and is in proper condition for carriage by air according to the applicable Dangerous Goods Regulations.

LONESTAR AEROSPACE, INC.

Signature of Shipper or his Agent

M.K. VARGHESE/AGENT

18 MAY 1994 BALTIMORE MD

Signature of Loading Carrier or its Agent

Total Collect Charges

AS AGENT FOR ALIA-ROYAL JORDANIAN AIRLINES



# APPENDIX C



SECRETARIA DE GOBERNACION  
INSTITUTO NACIONAL DE MIGRACION

INSTITUTO NACIONAL DE MIGRACION  
COORDINACION DE CONTROL Y  
VERIFICACION MIGRATORIA

N° OFICIO

4220

ASUNTO: OFICIO DE COMISION

México D.F., a 14 de Junio de 2005

AGENTE FEDERAL DE MIGRACION

N° EMPLEADO

AGENTE FEDERAL DE MIGRACION

N° EMPLEADO

162677c

ME PERMITO INFORMAR A USTED(ES) QUE HA(N) SIDO DESIGNADO(S) PARA RELIZAR LA COMISION QUE SE DETALLA:

LUGAR: México, D.F. Miami, Florida, E.U. Londres, Inglaterra Miami, Florida, E.U. México, D.F.

PERIODO: DEL 15 AL 17 DE JUNIO DE 2005

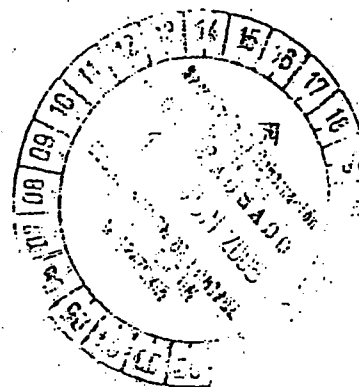
OBJETIVO: SE REALIZARA TRASLADO, CUSTODIA Y EXPULSION DEL EXTRANJERO ARIF ALI DURRANI, DE NACIONALIDAD PAKISTANI.

POR LO ANTERIOR, DEBERAN TRAMITAR ANTE EL COORDINADOR ADMINISTRATIVO LOS VIATICOS Y PASAJES INTERNACIONALES CORRESPONDIENTES, LOS CUALES SE OTORGARAN CON CARGO AL PRESUPUESTO DE LA UNIDAD ADMINISTRATIVA, CON RELACION AL PROYECTO PO55 DENOMINADO DOCUMENTAR Y REGULAR LA ENTRADA, ESTANCIA Y SALIDA DE EXTRANJEROS.

NO OMITO MENCIONAR, EL COMPROMISO Y OBLIGACION DE EFECTUAR LA COMPROBACION DE LOS RECURSOS RECIBIDOS A MAS TARDAR TRES DIAS HABILES POSTERIORES A LA TERMINACION DE LA COMISION.

ATENTAMENTE  
EL DIRECTOR

LIC. HECTOR EDUARDO ZELONKA VALDES



# APPENDIX D

1 **MOHAMMAD "MOE" NADIM**  
2 **Attorney at Law**  
3 **Bar # 129366**  
4 **1541 Ocean Avenue, Suite 200**  
5 **Santa Monica, California 90401-2104**  
6 **(310) 458-7230**  
7 **Fax (310)917-9221**

8 **Attorney for Defendant, Durrani**

9  
10  
11 **UNITED STATES DISTRICT COURT**  
12 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

13 **UNITED STATES OF AMERICA,**  
14  
15 **Plaintiff,**

16 **vs.**

17  
18 **ARIF DURRANI,**  
19 **Defendants.**

20 **CASE NO.: 05 CR-1746-LAB**

21 **DEFENDANT'S REPLY TO**  
22 **GOVERNMENT'S OPPOSITION TO**  
23 **MOTIONS TO:**

- 24  
25  
26  
27  
28
1. DISMISS INDICTMENT;
  2. SUPPRESS EVIDENCE ILLEGALLY SEIZED;
  3. PRODUCE GRAND JURY TRANSCRIPTS;
  4. TO PRODUCE DOCUMENTS.

**Date: November 29, 2005**  
**Time: 4:00 p.m.**  
**Courtroom: "9"**

**Honorable: Larry Alan Burn, Judge**

**TO UNITED STATES ATTORNEY AND WILLIAM P. COLE ITS DESIGNATED**  
**ATTORNEY:**

**DEFENDANT Arif Durrani, by and through his attorney of record, hereby submits the**  
**following reply to Government's 'combined' and improper opposition and response to Defendant's**  
**four motions.**

**Since this reply is being done before a 4 day weekend holiday (Thanksgiving), Defendant**



SECRETARÍA DE GOBERNACIÓN  
INSTITUTO NACIONAL DE MIGRACIÓN

INSTITUTO NACIONAL DE MIGRACIÓN  
SUBDELEGACIÓN LOCAL DEL I.N.M.  
EN ROSARITO, B.C.  
OFICIO No. 650/INMR/2004  
EXP. 2334/IN/2000

PLAYAS DE ROSARITO B.C. 30 DE ABRIL DEL 2004.

**SR. (A) DURRANI ARIF ALI**  
NACIONALIDAD. PAKISTANI  
CARR. TIJ-EDA. KM. 53.5  
MEDIO CAMINO  
PLAYAS DE ROSARITO, B.C.

Con fundamento en los artículos 55 y 57 fracción IV del reglamento interior de la Secretaría de Gobernación; por el artículo 6 apartado A inciso bi punto 4, del Acuerdo por lo que se delegan facultades para autorizar tramites migratorios y ejercer diversas atribuciones previstas en la ley general de población y su reglamento en favor del Delegado Regional del I.N.M. en B.C., Subdelegado Regional, Delegados Locales, Subdelegados Locales y Jefe del Departamento de Regulación Migratoria, en el ámbito territorial de su competencia, publicado en el diario oficial de Federación el 11 de diciembre de 2000; y de conformidad con los artículos 42, fracción III de la Ley General de Población, 159 y 162 fracción II de su Reglamento, y sin perjuicio de cumplir con las demás disposiciones aplicables, se le autoriza **prorroga**, en los siguientes términos:

F.M.3. NUMERO:

1417946

CALIDAD Y CARACTERÍSTICA  
MIGRATORIA:

NO INMIGRANTE – ACTIVIDAD LUCRATIVA

NUMERO DE PRORROGA:

PRIMERA PRORROGA

TEMPORALIDAD:

365 DÍAS, A PARTIR DEL 26 DE ABRIL DEL 2004 Y  
CONCLUYE EL 25 DE ABRIL 2005.

ACTIVIDAD AUTORIZADA:

PARA QUE SE DESEMPEÑE COMO ADMINISTRADOR UNICO  
DE AEROSPACE LOGISTICS SERVICES S.A. DE C.V. Y  
COASTAL CITIES DE MEXICO S.A. DE C.V..

DERECHOS PAGADOS:

POR LA CANTIDAD DE \$ 1686.00 EN EL BANCO SERFIN  
EL DIA 21 DE ABRIL DEL 2004.

FUNDAMENTO:

ART. 8VO FRACC. II INCISO B. DE LA LEY GENERAL DE  
DERECHOS FISCALES.

ANEXO:

SE DEVUELVE LA FM3 MENCIONADA CON LA ANOTACIÓN  
RESPECTIVA

Una nueva prorroga a su FM3, deberá solicitarse dentro de los treinta días anteriores al vencimiento de la que aquí se autoriza, si usted la solicita después de la fecha de vencimiento será acreedor a una sanción.

**ATENTAMENTE**  
**SUFRAGIO EFECTIVO. NO-REELECCIÓN**  
**EL SUBDELEGADO LOCAL DEL I.N.M. EN ROSARITO**

**HC. DAVID LIMON GRIJALVA.**



SUBDELEGACIÓN LOCAL  
PLAYAS DE ROSARITO B.C.

**EXHIBIT 'B'**

**ACTA ADMINISTRATIVA  
SLM/534/05**



En el Municipio de Tijuana, Baja California, siendo las diecisiete horas con treinta minutos del día doce de junio del dos mil cinco, presentes en las instalaciones que ocupa la Subdelegación Local del Instituto Nacional de Migración en el Aeropuerto Internacional de Tijuana, Baja California, ante el **LIC. REYNALDO TOMÁS ROJO MENDOZA**, Encargado de Despacho de la Subdirección de Control Migratorio del Instituto Nacional de Migración en Baja California y como testigos de asistencia los CC. Sergio Rábago Espinoza y Héctor Garnica Ortega, se procede a levantar la presente acta ante la comparecencia de quien dice llamarse **ARFI ALI DURRANI**, de nacionalidad **PAKISTANÍ**, quien no habla el idioma español, por lo que se designa como traductor a la Lc. Katia Romero Equiz, quien en este acto se identifica con Credencial de Elector, expedida a su favor por el Instituto Federal Electoral y acepta el cargo conferido, protestando desempeñarlo fielmente, a quien se le instruye de que apérciba al extranjero de las penas contempladas en artículo 247 del Código Penal Federal, relativas a las penas en que incurrir los que se conducen con falsedad ante autoridad distinta a la judicial; así mismo se le hace saber al extranjero que tiene derecho de nombrar a una persona de su confianza para que este presente o lo asista, manifestando que se reserva dicho derecho y que con relación a los hechos manifiestan:

El extranjero compareciente manifestó bajo protesta de decir verdad llamarse como quedo escrito, ser originario de Pakistán, haber nacido el 14 de agosto de 1949, tener 55 años de edad, estado civil casado, instrucción universitaria, ocupación comerciante, domicilio en Playas de Rosarito, Baja California, quien en este momento no cuenta con identificación alguna.

**CONSTANCIA**

Se hace constar que con fecha 26 de enero del presente año, se realizó una verificación migratoria en los domicilios de las empresas denominadas "AEROSPACE LOGISTICS SERVICES" y "COASTAL CITIES INVESTMENTS LLC DE MEXICO", arrojando como resultado que ninguna de las dos empresas se encontraba en funcionamiento o en operación; asimismo se hace constar que con fecha 9 de junio del 2005, la Lc. Juana Iveth Baltazar Quintana, Jefa del Departamento de Regulación Migratoria en B.C., informó a la Subdirección de Control Migratorio mediante oficio número 43/INMR/2005, de la solicitud de trámite migratorio que señor ARIF ALI DURRANI de nacionalidad PAKISTANÍ, promueve a fin de obtener su segunda prórroga, para seguir desempeñándose como administrador único de las empresas "AEROSPACE LOGISTICS SERVICES" y "COASTAL CITIES INVESTMENTS LLC DE MEXICO", en virtud de lo cual se ordenó la localización y comparecencia del afd extranjero mediante oficio número SDCM/972/05 y SDCM/973/05.

Con relación a los hechos que nos ocupa el compareciente manifiesta: Que llevo viviendo legalmente en México los pasados seis años, en Playas de Rosarito, Baja California, con documento migratorio FM-3 1417946, autorizado como administrador único de las empresas "AEROSPACE LOGISTICS SERVICES" y "COASTAL CITIES INVESTMENTS LLC DE MEXICO"; que recientemente cambie sus domicilios y que los di en el expediente de trámite que realice para obtener mi prórroga para continuar desempeñándome como administrador de dichas empresas. Siendo todo lo que tengo que manifestar.

Una vez escuchadas las manifestaciones de la extranjero compareciente **ARFI ALI DURRANI**, de nacionalidad **PAKISTANÍ**:

**CONSIDERANDO:**

**PRIMERO:** El extranjero compareciente fue puesto a disposición de la Subdirección de Control Migratorio con fecha 10 de junio del 2005, en cumplimiento a las órdenes de localización y comparecencia giradas mediante oficio SDCM/972/05 y SDCM/973/05.

**SEGUNDO:** Toda vez que el extranjero compareciente cuenta con documento FM-3 1417946, en el cual se encuentra autorizado para desempeñarse como administrador de las

Pag. 2  
SLM/534/05



empresas "AEROSPACE LOGISTICS SERVICES" y "COASTAL CITIES INVESTMENTS LLC DE MÉXICO", las cuales según actas circunstanciadas números 76/05 y 77/05 no se encuentran en funcionamiento ni operación.

TERCERO: Toda vez que el extranjero compareciente promovió trámite migratorio a fin de obtener su segunda prórroga, para seguir desempeñándose como administrador único de las empresas "AEROSPACE LOGISTICS SERVICES" y "COASTAL CITIES INVESTMENTS LLC DE MÉXICO", mismas que no se encuentran en funcionamiento ni operación.

En virtud de lo anterior el suscrito con la personalidad acreditada

### RESUELVE

UNICO: Póngase a disposición del Titular de la Coordinación de Control y Verificación Migratorias del Instituto Nacional de Migración, al extranjero ARFI ALI DURRANI, de nacionalidad PAKISTANÍ a efecto de que sea resuelta su situación migratoria y para ello trasládese a la Estación Migratoria de Iztapalapa, México, Distrito Federal; lo anterior en los términos del artículos 1, 7, 64, 119, 121, 125, 128 de la Ley General de Población, 106 fracción III, 111, 114 y 199 de su Reglamento artículo 57 fracción IX y XIX del Reglamento Interior de la Secretaría de Gobernación y de conformidad con el Acuerdo Delegatorio de Facultades para autorizar trámites migratorios y ejercer diversas atribuciones previstas en la Ley General de Población y su Reglamento a favor de Delegado Regional del Instituto Nacional de Migración en el Estado de Baja California, así como del Subdelegado Regional, Subdirector de Regulación Migratoria, Subdirector de Control migratorio, Delegados Locales, Subdelegados Locales, Jefe del Departamento de Regulación Migratoria, Jefe del Departamento de Asuntos Jurídicos y Jefe del Departamento de Control Migratorio y Asuntos Jurídicos, en el ámbito territorial de su competencia; publicado en el diario oficial de la federación el día 11 de diciembre del 2000, en el Artículo 5º, Fracción II, Inciso B, Numeral 29.

Se cierra la presente acta a las trece horas del día de su inicio, firmando a margen y al calce los que en ella intervinieron

ENCARGADO DE DESPACHO DE LA  
SUBDIRECCIÓN DE CONTROL  
MIGRATORIO DEL INMEX B.C.

LIC. REYNALDO TOMÁS RUIZ MENDOZA

EL EXTRANJERO COMPARECIENTE

ARFI ALI DURRANI

TRADUCTOR

LIC. KATIA ROMERO EQUIZ

TESTIGOS DE ASISTENCIA

C. SERGIO RABAGO ESPINOZA

C. HECTOR GARNICA ORTEGA



SECRETARÍA DE GOBERNACIÓN  
INSTITUTO NACIONAL DE MIGRACIÓN

SECRETARÍA DE GOBERNACIÓN  
INSTITUTO NACIONAL DE MIGRACIÓN.  
DELEGACIÓN REGIONAL DEL INM EN B.C.  
SUBDIRECCIÓN DE CONTROL MIGRATORIO

No. DE OFICIO SDCM/ 972 /05

ASUNTO: ORDEN DE COMPARECENCIA.

Tijuana, B. C., a 10 de Junio del 2005

SR. ARIF ALI DURRANI  
NACIONALIDAD: PAKISTANI  
P R E S E N T E

Con fundamento en lo dispuesto en los Artículos 11, 14 y 16 de la Constitución de los Estados Unidos Mexicanos, Artículo 7 Fracción III, 64, 65, 151 fracciones I y II y 154 de la Ley General de Población, 140, 141 y 197 de su Reglamento, 16 fracciones I y II, 62, 63 y 64 de la Ley Federal de Procedimiento Administrativo, 56 Y 57 fracciones II, VIII Y IX del Reglamento Interior de la Secretaría de Gobernación, publicado en el Diario Oficial de la Federación el 30 de julio de 2002, y artículo 5º, Fracción II, inciso B, numeral 28 del Acuerdo por el que se Delegan Facultades en Favor del Delegado Regional del Instituto Nacional de Migración en el Estado de Baja California, así como de los Subdelegados Regionales, Delegados Locales, Subdelegados Locales, Delegados de Regulación de Estanda y Delegados de Control Migratorio y Jurídico, en el ámbito territorial de su competencia, publicado en el Diario Oficial de la Federación el 11 de diciembre del 2000, se le ordena presentarse ante la Subdirección de Control Migratorio del Instituto Nacional de Migración en B.C., a efecto de que manifieste lo que a su derecho convenga respecto de su situación migratoria en territorio nacional ya que ha solicitado un trámite migratorio y de actuaciones se desvirtúan que las empresas para las cuales se encuentra autorizado a prestar sus servicios, no se encuentran en funcionamiento.

ATENTAMENTE  
SUBDIRECTOR DE CONTROL MIGRATORIO  
DEL INM EN BAJA CALIFORNIA  
ENCARGADO DE DESPACHO

LIC. REYNALDO TOMÁS ROJO MENDOZA.

SUBDIRECCIÓN DE CONTROL MIGRATORIO  
DELEGACIÓN REGIONAL EN B.C.  
INSTITUTO NACIONAL DE MIGRACIÓN

C.c.p. - Lic. Agustín Caso Rapraer - Coordinador de Delegaciones de INM - Para su conocimiento.  
C.c.p. - Lic. Tonatán García Castiño - Coordinador de Control y Verificación Migratoria del INM - Mismo fin.  
C.c.p. - Lic. Francisco Javier Reynoso Nuño - Delegado Regional del INM en B.C. - Mismo fin.  
C.c.p. - Lic. David Lirio Grijalva - Subdelegado Regional del INM en B.C. - Mismo fin.  
C.c.p. - Archivo.



OF THE MEXICAN REPUBLIC  
INTERIOR DEPARTMENT  
NATIONAL IMMIGRATION INSTITUTE

INM REGIONAL DELEGATION IN B. C.  
IMMIGRATION CONTROL SUB DIRECTOR  
OFFICIAL COMMUNICATION NUMBER:  
SDCM:/972/05

SUBJECT: ORDER TO APPEAR

TIJUANA, B. C., JUNE 10, 2005.

MR. DURRANI ARIF ALI  
PAKISTANI NATIONAL

With basis on the stipulations of Articles 11, 14 and 16 of the Mexican Political Constitution, Articles 7 Fraction III, 64, 65, 151, Fractions I and II and 154 of the General Population Law, 140, 141 and 197 of its Regulations, 16, Fractions I and II, 62, 63 and 64 of the Federal Administrative Processes, 56 and 57 Fractions II, VIII and IX of the Interior Department Regulations, as published in the Federal Official Gazette on June 30, 2002, and according to the Decree Authorizing the Power to perform immigration processes and other functions stipulated by the General Population Law and its Regulations, in favor of the National Immigration Institute Delegate in Baja California, as well as for the for the Regional Sub Delegate, Immigration Regulation Sub - Director, the Immigration Control and Sub - Director, Local Delegates and Sub - Delegates, Head of the Immigration Regulation Department, Head of the Legal Department and Head of the Immigration Control and Legal Department, within their territory, published in the Federal Official Gazette on December 11, 2000, you are hereby ordered to appear before the Sub Director for Immigration Control of the National Immigration Institute in Baja California, so you can declare concerning the immigration application you submitted, and the fact that the Corporations you have been authorized to work for are not in operation.

YOURS TRULY

INTERIM SUB - DIRECTOR OF THE  
INM IMMIGRATION CONTROL OFFICE  
SIGNATURE AND OFFICIAL SEAL

REYNALDO TOMAS ROJO MENDOZA, ESQ.

COPIES:

AGUSTIN CASO RAPHAEL - INM DELEGATIONS COORDINATOR - FYI  
TONATIUH GARCIA CASTLLO, ESQ. - IMMIGRATION VERIFICATION AND CONTROL COORDINATOR - FYI  
FRANCISCO JAVIER REYNOSO NUÑO, ESQ. - INM REGIONAL DELEGATE IN B. C. - FYI  
DAVID LIMON GRIJALVA, ESQ. - REGIONAL SUB DELEGATE IN B. C. - FYI  
FILE.

I HEREBY CERTIFY THIS IS A TRUE AND COMPLETE TRANSLATION FROM THE  
ORIGINAL DOCUMENT IN SPANISH. JULY 13, 2005.

*Jose Manuel Puig*

PERITO INTERPRETE TRADUCTOR  
AUXILIAR DEL SISTEMA JUDICIAL DE B.C.

AUTHORIZED IN ROSARITO, TIJUANA AND ENSENADA.  
REG. NUMBER 000349

PAGE 2  
SLM/534/05

-- for the Corporations known as "AEROSPACE LOGISTIC SERVICES" and "COASTAL CITIES INVESTMENTS LLC DE MEXICO" neither of which is operating, according to reports number 76/05 and 77/05,

THIRD - Since the foreign national submitted an application to obtain his second extension to continue on working as administrator for the Corporations known as "AEROSPACE LOGISTIC SERVICES" and "COASTAL CITIES INVESTMENTS LLC DE MEXICO", which are not operating,

Considering all these facts, the undersigned:

DECIDES

ONE - Place the Pakistani National ARFI (SIC) ALI DURRANI, under the custody and control of the Head of the Immigration Control and Verification Coordinating Office, so his immigration situation is resolved. For this purpose, transport him to the Immigration Station in Iztapalapa, Mexico City, with basis on Articles 1, 7, 64, 119, 121, 125, 128 of the General population law, 106 Fraction III, 111, 114 and 199 of its Regulations, Article 57 Fractions IX and XIX of the Ministry of the Interior Regulations, and according to the Decree Authorizing the Power to perform immigration processes and other functions stipulated by the General Population Law and its Regulations, in favor of the National Immigration Institute Delegate in Baja California, as well as for the for the Regional Sub Delegate, Immigration Regulation Sub Director, the Immigration Control and Sub Director, Local Delegates and Sub Delegates, Head of the Immigration Regulation Department, Head of the Legal Department and Head of the Immigration Control and Legal Department, within their territory, published in the Federal Official Gazette on December 11, 2000, in Article 5o. Fraction II, Item "B", number 29.

This document is concluded at 13:00 hours of the same day it was started, and all those who participated in it signed it.

INTERIM HEAD OF THE  
INM IMMIGRATION CONTROL OFFICE IN B. C.

SIGNATURE

REYNALDO TOMAS ROJO MENDOZA, ESQ.

THE FOREIGN NATIONAL

SIGNATURE

ARFI(SIC) ALI DURRANI

TRANSLATOR

SIGNATURE

KATIA ROMERO EQUIZ, ESQ.

WITNESSES

SIGNATURE

SERGIO RABAGO ESPINOZA

SIGNATURE

HECTOR GARNICA ORTEGA

I HEREBY CERTIFY THIS IS A TRUE AND COMPLETE TRANSLATION FROM THE  
ORIGINAL DOCUMENT IN SPANISH. JULY 13, 2005.

  
PERITO INTERPRETE TRADUCTOR  
AUXILIAR DEL SISTEMA JUDICIAL DE B.C.

AUTHORIZED IN ROSARITO, TIJUANA AND ENSENADA.  
REG. NUMBER 000349

OFFICIAL  
SEAL OF THE  
MEXICAN REPUBLIC

#### ADMINISTRATIVE DOCUMENT

-- In the Municipality of Tijuana, Baja California, at 16:30 hours of June 12, 2005, in the Offices of the Local Sub - Delegation of the National Immigration Institute in the Tijuana, Baja California International Airport, before me, REYNALDO TOMAS ROJO MENDOZA, ESQ., Head of the INM Immigration Control Office and with the assistance of the witnesses Sergio Rabago Espinoza and Hector Garnica Ortega, we issued this document before the man who calls himself ARFI (SIC) ALI DURRANI, a PAKISTANI NATIONAL who does not speak Spanish, so Katia Romero Equiz, Esq., was appointed interpreter. She identified herself with a Voter's Credential issued by the National Electoral Institute, and after she accepted her appointment, she was instructed to tell the foreign national about the penalties stipulated by Article 247 of the Federal Penal Code for those who make false declarations to authorities other than the Judicial, and also tell him that he has the right to appoint somebody he trusts to represent him or assist him. He answered that he reserves that right and concerning the facts, he declared:

-- The foreign national declared under oath that his name is as stated above, born in Pakistan on August 14, 1949, that he is 55 years old, married and a merchant by trade. He also said he has university education and that he lives in Playas de Rosarito. At the moment he had no identification with him.

#### VERIFICATION

-- We hereby certify that on January 26 of this year INM Rosarito verified the addresses of the Corporations known as "AEROSPACE LOGISTIC SERVICES" and "COASTAL CITIES INVESTMENTS LLC DE MEXICO", and it was discovered that neither one of them was operating; also we hereby certify that on June 9, 2005, Juana Iveth Baltazar Quintana, Esq., Head of the Immigration Regulatory Department in Baja California, reported to the Immigration Control Office, by means of Official Communication number 43/INMR/2005, of the immigration process application submitted by MR. ARIF ALI DURRANI, a Pakistani national, to obtain a second extension to continue working as administrator for the Corporations known as "AEROSPACE LOGISTIC SERVICES" and "COASTAL CITIES INVESTMENTS LLC DE MEXICO", so it was ordered to locate and present him by means of Official Communications number SDCM/972/05, and SDCM/973/05

-- Concerning these facts, MR. ARIF ALI DURRANI DECLARED: "I have been residing legally in Mexico in Playas de Rosarito, Baja California, Mexico, for the past six years with immigration document FM3 1417946, authorized as administrator for the Corporations known as "AEROSPACE LOGISTIC SERVICES" and "COASTAL CITIES INVESTMENTS LLC DE MEXICO". Recently I changed the domiciles of these Corporations, and I notified the change in the application I submitted for my extension to continue on working as administrator of said Corporations. That is all I have to declare".

After hearing the Pakistani National MR. ARFI (SIC) ALI DURRANI' statement, and:

#### CONSIDERING

FIRST - That this Pakistani born foreign national was placed under the custody of the Migratory Control Office on June 10, 2005, complying with the localization and presentation orders issued by means of Official Communications number SDCM/972/05 and SDCM/973/05,

SECOND - Since this foreign national has an FM3 number 1417946 authorizing him to work as Administrator -----

OFFICIAL SEAL  
OF THE MEXICAN REPUBLIC  
  
INTERIOR DEPARTMENT  
NATIONAL IMMIGRATION INSTITUTE

NATIONAL IMMIGRATION INSTITUTE  
INM SUB - DELEGATION  
IN ROSARITO, B. C.  
COMMUNICATION # 650/INMR/2004  
FILE 3 2334/IN/2000

PLAYAS DE ROSARITO, B. C., APRIL 30 2004.

MR. DURRANI ARIF ALI  
PAKISTANI NATIONAL  
TIJUANA - ENSENADA ROAD, KM 53.5  
MEDIO CAMINO  
PLAYAS DE ROSARITO, B. C.

With basis on Articles 55 and 57, Fraction IV of the Regulation of the Ministry for the Interior, Article 6, Item A, Sub-Item b), point 4 of the Agreement granting the Regional INM Delegate in Baja California, the Regional Sub-Delegate, the Local Sub-Delegates and the Head of the Immigration Regulations Department, various attributions and authority to authorize immigration processes according to the General Population Law and its Regulations, as published in the Federation Official Gazette on December 11, 2000, and also according to Articles 42, Fraction III of the General Population Law, 159 and 162 Fraction II of its Regulations and other applicable dispositions, you are hereby authorized an extension, in the following terms:

F. M. 3 NUMBER	1417946
IMMIGRATION STATUS	NON - IMMIGRANT LUCRATIVE ACTIVITY
EXTENSION NUMBER	FIRST EXTENSION
TIME	365 DAYS STARTING ON APRIL 26, 2004 ENDING APRIL 25, 2005
AUTHORIZED ACTIVITY	WORKING AS ADMINISTRATOR FOR AEROSPACE LOGISTICS SERVICES S. A. DE C. V. AND COASTAL CITIES DE MEXICO, S. A. DE C. V.
PAYMENT	\$ 1,068 PESOS IN BANCO SERFIN ON APRIL 21, 2004
LEGAL BASIS	ART. 8, FRACTION III OF THE GENERAL LAW FOR FISCAL FEES
ATTACHMENT	WE RETURN THE ABOVE - MENTIONED FM3, EXTENDED.

You must request a new extension of your FM3 30 days before it expires. If you request the extension after the expiration date, you will be fined.

YOURS TRULY  
EFFECTIVE SUFFRAGE - NON REELECTION  
THE LOCAL INM SUB - DELEGATE IN ROSARITO  
SIGNATURE  
DAVID LIMON GRIJALVA, ESQ

SEAL OF THE  
ROSARITO INM  
DELEGATION SHOWING  
THIS DOCUMENT WAS  
SENT ON MAY 3, 2004

OFFICIAL  
SEAL OF THE  
INM OFFICE  
IN ROSARITO

I HEREBY CERTIFY THIS IS A TRUE AND COMPLETE TRANSLATION FROM THE  
ORIGINAL DOCUMENT IN SPANISH. JULY 13, 2005.

*Manuel Puig*  
INTERPRETE TRADUCTOR  
ASISTENTE DEL SISTEMA JUDICIAL DE B.C.

AUTHORIZED IN ROSARITO, TIJUANA AND ENSENADA.  
REG. NUMBER 000349

# APPENDIX E



SECRETARÍA DE GOBERNACIÓN  
INSTITUTO NACIONAL DE MIGRACIÓN

COORDINACIÓN DE CONTROL Y  
VERIFICACIÓN MIGRATORIA  
DIRECCIÓN DE APLICACIÓN DE  
SANCIONES  
SUBDIRECCIÓN DE RESOLUCIONES  
DEPARTAMENTO DE DICTAMINACIÓN

EXPEDIENTE: 1900/2005

OFICIO No 5530

ASUNTO: SE NOTIFICA RESOLUCIÓN DE  
EXPULSIÓN.

México, D. F. 14 de junio de 2005.

ARIF ALI DURRANI  
NACIONALIDAD: PAKISTANÍ  
PRESENTE

En cumplimiento a lo ordenado en el Punto Resolutivo Primero de la Resolución de fecha 14 de junio del 2005, dictada por esta Coordinación de Control y Verificación Migratoria, en el expediente administrativo, abierto a su nombre, me permito notificar a usted la misma en una foja útil con firma autógrafa, la que en su punto resolutivo Primero cita textualmente "SE DETERMINA LA EXPULSIÓN DE ARIF ALI DURRANI, DE NACIONALIDAD PAKISTANÍ, POR ADECUAR SU CONDUCTA EN LA HIPÓTESIS CONTEMPLADA EN EL ARTÍCULO 123 DE LA LEY GENERAL DE POBLACIÓN, AL NO ACREDITAR SU LEGAL ESTANCIA EN EL PAÍS, SANCIONADA POR EL ARTÍCULO 125 DE LA PROPIA LEY".

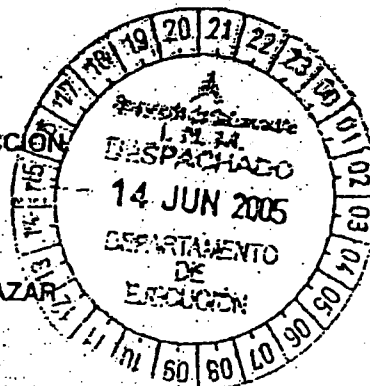
Asimismo, en cumplimiento del Resolutivo Segundo de la propia resolución se le notifica: **APERCIBASE A ARIF ALI DURRANI DE NACIONALIDAD PAKISTANÍ, LA PROHIBICIÓN QUE TIENE PARA INTERNARSE NUEVAMENTE A TERRITORIO NACIONAL, SIN HABER OBTENIDO PREVIAMENTE ACUERDO DE READMISIÓN, PARA LO CUAL SE LE FIJA EL PERIODO DE DIEZ AÑOS, A PARTIR DE LA NOTIFICACIÓN DE LA PRESENTE RESOLUCIÓN PARA SOLICITARLO EN TÉRMINOS DEL ARTÍCULO 229 DEL REGLAMENTO DE LA LEY GENERAL DE POBLACIÓN.**

Para la ejecución de la resolución emitida, se comisiona al C. LUIS MARIANO MARTÍNEZ CRUCES, jefe del departamento de Seguridad y Custodia de la Estación Migratoria, para que designe al inspector que conduzca al extranjero al Aeropuerto Internacional de la Ciudad de México.

Lo anterior para su conocimiento y fines legales conducentes.

ATENTAMENTE.  
SUFRAGIO EFECTIVO. NO REELECCIÓN  
JEFE DE DEPARTAMENTO

C. GUADALUPE FERNÁNDEZ SALAZAR



VENDEDOR: GU

ITINERARIO

NO. DE CLIENTE USA001

EZTOLD

FECHA: 14 JUN 05  
PAGINA: 01

A: EMBAJADA DE LOS ESTADOS UNIDOS DE AMERICA  
REFORMA 305/COL CUAUHTEMOC  
06500 MEXICO, D.F.  
RFC [REDACTED]  
TEL 52 09 91 00

Embassy of U.S.

PARA: DURRANI/ARIF ALI

REF: USMS

15 JUN 05 - MIERCOLES

VUELO DELTA AIR LINES INC VLO:DL8122 ECONOMY  
MEXICO CITY-LOS ANGELES OPERADO POR AEROMEXICO  
SAL MEXICO CITY 0940 EQP: BOEING 737  
03HR 55MIN  
LLEG LOS ANGELES 1135 SIN ESCALAS  
ARRIVE: TERMINAL 5 REF: SIPBAS  
VUELO CONTINENTAL AIRLINES VLO:CO684 COACH SNACK  
SAL LOS ANGELES 1300 EQP: BOEING 737 300  
DEPART: TERMINAL 6 03HR 29MIN  
LLEG HOUSTON GEO BUSH 1629 SIN ESCALAS  
ARRIVE: TERMINAL C REF: 3HJB0E

16 JUN 05 - JUEVES

VUELO CONTINENTAL AIRLINES VLO:CO2738 COACH SNACK  
OPERATED BY EXPRESSJET AIRLINES INC DBA CO EXPRESS  
SAL HOUSTON GEO BUSH 1545 EQP: EMBRAER 145 JET  
DEPART: TERMINAL B 03HR 21MIN  
LLEG TORONTO ON 2006 SIN ESCALAS  
ARRIVE: TERMINAL 3 REF: 3HJB0E  
VUELO BRITISH AIRWAYS VLO:BA96 ECONOMICA COMIDA  
SAL TORONTO ON 2305 EQP: BOEING 777-200  
DEPART: TERMINAL 3 07HR 00MIN

17 JUN 05 - VIERNES

LLEG LONDON HEATHROW 1105 SIN ESCALAS  
ARRIVE: TERMINAL 4 REF: ZU539W  
VUELO BRITISH AIRWAYS VLO:BA107 ECONOMICA COMIDA  
SAL LONDON HEATHROW 1240 EQP: BOEING 777-200  
DEPART: TERMINAL 4 06HR 55MIN  
LLEG DUBAI 2235 SIN ESCALAS  
ARRIVE: TERMINAL 1 REF: ZU539W  
VUELO PAKISTAN INTL VLO:PK228 DOM FLT OUT PCENATAN  
SAL DUBAI 2359 EQP: AIRBUS A310  
02HR 01MIN

18 JUN 05 - SABADO

LLEG KARACHI 0300 SIN ESCALAS  
REF: IXRVDO

CONTINUA EN PAGINA 2



6/14/2005

Form with header information and a data entry section. The header includes "MEXICO" and "SECTION 4". The data entry section contains the following text:

1 125 3282390681 0

Below the data entry section is a barcode.

Form with header information and a data entry section. The header includes "MEXICO" and "SECTION 4". The data entry section contains the following text:

1 125 3282390682 1

Below the data entry section is a barcode.



# APPENDIX F

U.S. Department of Justice  
United States Marshals Service



Page 1 of 1

## REPORT OF INVESTIGATION

1. FID: 389864	2. DATE OF REPORT: 06/16/2005	3. REPORTED BY: [REDACTED] b7C, j2
4. SUBJECT NAME: DURRANI, ARIF		AT: HQTS
5. TYPE OF REPORT: <input type="checkbox"/> REPORT OF ELECTRONIC INTERCEPTION <input type="checkbox"/> COLLATERAL LEAD <input type="checkbox"/> WITNESS INTERVIEW <input checked="" type="checkbox"/> OTHER: International Lead		
<input type="checkbox"/> ARREST <input type="checkbox"/> INTELLIGENCE UPDATE <input type="checkbox"/> MEMORANDUM TO FILE		

Fid : 389864  
Fugitive Name: DURRANI, ARIF  
Sequence Number: 1

Country: MEXICO  
Date Of Lead: 06/16/2005  
Lead Sent To: Mexico City USMS

Sent To Remarks:

Remarks: OPENED ON 6-15-05

Date Closed: 06/16/2005  
Close Remarks: DEPORTED TO U.S., VIA LOS ANGELES, CA., ON 06-15-05.

6. SIGNATURE (Name and Title) [REDACTED] b7C, j2	7. DATE 06/16/2005 12:00 AM EDT	10. DISTRIBUTION <input type="checkbox"/> DISTRICT <input type="checkbox"/> HEADQUARTERS <input type="checkbox"/> OTHER
8. APPROVED (Name and Title)	9. DATE	

UNITED STATES MARSHALS SERVICE  
THIS REPORT IS THE PROPERTY OF THE UNITED STATES MARSHALS SERVICE NEITHER  
IT NOR ITS CONTENT MAY BE DISSEMINATED OUTSIDE THE AGENCY TO WHICH LOANED.

11/14/2005 2:51 PM EST

U.S. Department of Justice  
United States Marshals Service



Page 1 of 1

## REPORT OF INVESTIGATION

1. FID: 389864	2. DATE OF REPORT: 06/20/2005	3. REPORTED BY: [REDACTED] AT: CA/C
4. SUBJECT NAME: DURRANI, ARIF		
5. TYPE OF REPORT: <input type="checkbox"/> REPORT OF ELECTRONIC INTERCEPTION <input type="checkbox"/> COLLATERAL LEAD <input type="checkbox"/> WITNESS INTERVIEW <input type="checkbox"/> OTHER		
<input checked="" type="checkbox"/> ARREST (USM1148549) <input type="checkbox"/> INTELLIGENCE UPDATE <input type="checkbox"/> MEMORANDUM TO FILE		

On 6/15/2005, at approximately 12:30 pm, Deputies [REDACTED] and Pacific Southwest Regional Taskforce Supervisory Inspector [REDACTED] and Mexico City INM Agent [REDACTED] arrived at the Los Angeles International Airport with fugitive DURRANI, Arif from Mexico City and turn him over without incident to U.S. Department of Homeland Security Immigration & Customs Enforcement Special Agent [REDACTED] based on a Central District of California warrant for Exporting Defense Articles without a License in violation of Title 22 CFR 127.1(d), 127.3 and 22 USC 2778 (b)(2),(c).

End of report.

b7C, j2

6. SIGNATURE (Name and Title)  [REDACTED] Deputy USM	7. DATE 06/20/2005 1:17 PM EDT	10. DISTRIBUTION <input type="checkbox"/> DISTRICT <input type="checkbox"/> HEADQUARTERS <input type="checkbox"/> OTHER
8. APPROVED (Name and Title)  [REDACTED] Warrant Supervisor	9. DATE 06/22/2005 1:02 PM EDT	

UNITED STATES MARSHALS SERVICE  
THIS REPORT IS THE PROPERTY OF THE UNITED STATES MARSHALS SERVICE NEITHER  
IT NOR ITS CONTENT MAY BE DISSEMINATED OUTSIDE THE AGENCY TO WHICH LOANED.

11/14/2005 2:52 PM EST

# APPENDIX G

U. S. Customs

United States District Court  
Central District of California

FILED  
CLERK, U.S. DISTRICT COURT  
OCT 27 2005  
DISTRICT OF CALIFORNIA

United States of America

Plaintiff

WARRANT FOR ARREST

v.

ARIF DURRANI

Defendant

Case Number: CR 99-470 PA

TO: The United States Marshal and  
Any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest Arif Durrani  
(Name)

and bring him or her forthwith to the nearest magistrate judge to answer a(n):

☒ Indictment ☐ Information ☐ Complaint ☐ Order of Court ☐ Violation Notice ☐ Probation Violation Petition  
charging him or her with (brief description of offense):

Exporting Defense Articles without a License

ARRESTED WITHIN THE C/CA  
BY: U.S. Customs (ICE)  
ON: 6/15/05  
SIGNED: A. Neal

U.S. MARSHAL SERVICE  
LOS ANGELES CALIF.

99 MAY 10 A7:15

RECEIVED

in violation of Title 22 United States Code, Section(s) 127.1(d), 127.3 2778(b)(2), (c)

SHERRI R. CARTER  
Name of Issuing Officer

CLERK OF COURT  
Title of Issuing Officer

Signature of Issuing Officer

5/7/99 Los Angeles, C  
Date and Location

Bail Fixed at \$ DETENTION

By Margaret A. Nagle, US Magistrate  
Name of Judicial Officer Judge

RETURN

This warrant was received and executed with the arrest of the above-named defendant at

DATE RECEIVED

NAME AND TITLE OF ARRESTING OFFICER

DATE OF ARREST

ENTERED ON ICMS

99 MAY 10 12:00

SIGNATURE OF ARRESTING OFFICER

11 NOV 01 2005 (20)

**APPENDIX H**

United States Marshals Service  
LIMITED OFFICIAL USE  
Subject Report for DURRANI, ARIF (FID 389864)



Date Closed: 09/28/2005  
Date Executed: 09/26/2005  
Execution Code: DET LODGED; CUSTODY TAKEN  
Arrested in District: 012  
To Be Prosecuted: U  
Close Summary: NOTIFIED BY [REDACTED] FROM LOS ANGELES USMS SUBJECT WAS ARRAIGNED ON  
SAN DIEGO  
WARRANT ON 09/26/05. HE IS WT. TO  
REMOVED TO SAN DIEGO. b7c, j2

Case Number: 9912-0510-2394-J

Case Status: CLOSED  
Originating District: 012 - CA/C LOS ANGELES (Warrants)  
International Liaison: HQTS - Mexico City Liaison  
Opened: 06/15/2005  
Closed: 06/15/2005

Charge Information

Agency: USC - Federal Agency  
DTR US CUSTOMS SERVICE  
Part of Task Force: LOS ANGELES REG TASK FORCE  
Charge: 5299, WEAPON OFFENSE  
Warrant Date: 05/07/1999  
Date Received: 05/10/1999

OCDE: No  
Remarks: CASE#CR99-470, EXPORTING DEFENSE ARTICLES WITHOUT A LICENSE

Close Information

Date Closed: 10/27/2005  
Date Executed: 06/15/2005  
Execution Code: PHYSICAL ARREST  
Arrested in District: 012  
To Be Prosecuted: Y

Close Summary: MCFO DEPORT FROM MEXICO CITY. DUSM'S [REDACTED] AND INSPECTOR  
[REDACTED] ESCORTED  
AND TOT US CUSTOMS AT PORT OF ENTRY. b7c, j2

# APPENDIX I



FILED  
CLERK, U.S. DISTRICT COURT

NOV 4 2005

CENTRAL DISTRICT OF CALIFORNIA  
DEPUTY  
BY *SBZ*

ORIGINAL

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

ENTER ON ICMS

NOV 8 2005

*SBZ*

(16)

UNITED STATES OF AMERICA,

PLAINTIFF,

VS.

ARIF A. DURRANI,

DEFENDANT.

CASE NO. 05-2011M

LOS ANGELES, CALIFORNIA  
SEPTEMBER 27, 2005

ARRAIGNMENT

BEFORE THE HONORABLE ANDREW J. WISTRICH  
UNITED STATES MAGISTRATE JUDGE

FOR THE PLAINTIFF:

DEBRA W. YANG  
UNITED STATES ATTORNEY  
STEVEN D. CLYMER  
CHIEF, CRIMINAL DIVISION  
ASSISTANT UNITED STATES ATTORNEY  
BY: BILL CROWFOOT  
ASSISTANT UNITED STATES ATTORNEY  
312 NORTH SPRING STREET  
LOS ANGELES, CALIFORNIA 90012

FOR THE DEFENDANT:

MOHAMMAD MOE NADIM  
ATTORNEY AT LAW  
1541 OCEAN AVENUE  
SUITE 200  
SANTA MONICA, CALIFORNIA 90401

PROCEEDINGS RECORDED BY ELECTRONIC SOUND RECORDING;  
TRANSCRIPT PRODUCED BY TRANSCRIPTION SERVICE.

1 APPEARANCES: (CONTINUED)

2 COURTROOM DEPUTY/

YSELA BENAVIDES

3 RECORDER:

4 TRANSCRIBER:

DOROTHY BABYKIN

COURT HOUSE SERVICES

1218 VALEBROOK PLACE

GLENDORA, CALIFORNIA 91740

(626) 963-0566

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I N D E X

CASE NO. 05-2011M

SEPTEMBER 27, 2005

HEARING: ARRAIGNMENT.

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1 LOS ANGELES, CALIFORNIA; SEPTEMBER 27, 2005

2 THE COURT: BEFORE THE CALENDAR IS CALLED, I WILL  
3 ADVISE ALL DEFENDANTS OF THEIR CONSTITUTIONAL AND STATUTORY  
4 RIGHTS IN CONNECTION WITH THESE PROCEEDINGS.

5 YOU ARE HERE BECAUSE YOU'VE BEEN CHARGED WITH A  
6 CRIMINAL OFFENSE AGAINST THE UNITED STATES.

7 YOU HAVE RECEIVED OR SOON WILL RECEIVE A COPY OF  
8 THE FORMAL PAPERS SUMMARIZING THE CHARGES AGAINST YOU.

9 YOU HAVE THE FOLLOWING CONSTITUTIONAL AND STATUTORY  
10 RIGHTS AMONG MANY OTHERS.

11 PLEASE LISTEN CAREFULLY.

12 YOU HAVE THE RIGHT TO RETAIN AND TO BE REPRESENTED  
13 BY AN ATTORNEY OF YOUR OWN CHOOSING AT EACH AND EVERY STAGE  
14 OF THE PROCEEDINGS AGAINST YOU.

15 IF YOU CANNOT AFFORD AN ATTORNEY, YOU MAY REQUEST  
16 THAT THE COURT APPOINT AN ATTORNEY TO REPRESENT YOU.

17 THE APPOINTED ATTORNEY WILL BE PAID BY THE  
18 GOVERNMENT WITHOUT COST TO YOU. YOU MUST, HOWEVER, SUBMIT A  
19 FINANCIAL AFFIDAVIT TO THE COURT BEFORE COUNSEL MAY BE  
20 APPOINTED TO REPRESENT YOU.

21 IF YOU MAKE ANY FALSE, MISLEADING OR INCOMPLETE  
22 STATEMENTS IN YOUR FINANCIAL AFFIDAVIT, YOU MAY BE SUBJECT TO  
23 FURTHER PROSECUTION FOR A SEPARATE VIOLATION OF FEDERAL LAW.

24 YOU HAVE THE RIGHT TO REMAIN SILENT. ANYTHING THAT  
25 YOU DO, SAY, SIGN, OR WRITE WHICH TENDS TO INCRIMINATE YOU

1 MAY BE INTRODUCED AGAINST YOU IN THIS OR IN ANY OTHER COURT  
2 PROCEEDING.

3 YOU HAVE THE RIGHT TO HAVE THE ISSUE OF YOUR  
4 RELEASE ON CONDITIONS OR DETENTION IN CUSTODY PENDING TRIAL  
5 DETERMINED THIS AFTERNOON OR WITHIN A FEW DAYS THEREAFTER IF  
6 A POSTPONEMENT IS REQUESTED BY EITHER THE DEFENSE OR THE  
7 GOVERNMENT AND SUCH POSTPONEMENT IS ALLOWED BY THE COURT.

8 YOU HAVE THE RIGHT TO A PRELIMINARY HEARING OR TO  
9 HAVE THE CASE PRESENTED TO THE GRAND JURY WITHIN TEN DAYS OF  
10 THIS DATE IF YOU ARE IN CUSTODY AND WITHIN 20 DAYS OF THIS  
11 DATE IF YOU ARE RELEASED ON BOND.

12 A PRELIMINARY HEARING IS A PROCEEDING IN WHICH THE  
13 GOVERNMENT PRESENTS ITS EVIDENCE AND A DECISION IS MADE AS TO  
14 WHETHER THERE IS PROBABLE CAUSE TO BELIEVE THAT THE OFFENSE  
15 CHARGED WAS COMMITTED AND THAT YOU WERE THE PERSON WHO  
16 COMMITTED IT.

17 IF PROBABLE CAUSE IS NOT FOUND, THE CHARGES WILL BE  
18 DISMISSED. IF PROBABLE CAUSE IS FOUND, YOU WILL THEN BE  
19 REQUIRED TO ENTER A PLEA TO THE CHARGES AGAINST YOU.

20 SOME OF YOU MAY BE HERE BECAUSE YOU'VE BEEN CHARGED  
21 IN AN OUT-OF-DISTRICT COMPLAINT OR INDICTMENT OR WITH A  
22 VIOLATION OF PROBATION OR SUPERVISED RELEASE.

23 IF SO, YOU HAVE THE RIGHT TO A REMOVAL HEARING,  
24 WHICH INCLUDES A DETERMINATION OF PROBABLE CAUSE IF ONE HAS  
25 NOT ALREADY BEEN MADE IN YOUR CASE, AND A DETERMINATION OF

1 YOUR IDENTITY, UNLESS WAIVED.

2 A REMOVAL HEARING MUST BE HELD HERE BEFORE YOU CAN  
3 BE REQUIRED TO RESPOND TO ALLEGATIONS AGAINST YOU IN A  
4 DISTRICT OTHER THAN THIS ONE.

5 THE CLERK WILL NOW CALL THE CALENDAR.

6 (PROCEEDINGS IN UNRELATED MATTERS HELD.)

7 THE CLERK: CALLING 05-2011M, UNITED STATES OF  
8 AMERICA VERSUS ARIF ALI DURRANI.

9 COUNSEL, PLEASE MAKE YOUR APPEARANCES.

10 MR. CROWFOOT: GOOD AFTERNOON, YOUR HONOR.

11 BILL CROWFOOT ON BEHALF OF THE UNITED STATES.

12 MR. NADIM: GOOD AFTERNOON, YOUR HONOR.

13 MOE NADIM FOR DEFENDANT, WITH MR. DURRANI PRESENT.

14 THE COURT: PLEASE STATE YOUR TRUE AND COMPLETE  
15 NAME, SIR.

16 THE DEFENDANT: MY NAME IS DURRANI.

17 THE COURT: WERE YOU ABLE TO HEAR AND UNDERSTAND MY  
18 EXPLANATION OF YOUR RIGHTS A FEW MOMENTS AGO?

19 THE DEFENDANT: YES, I DID.

20 THE COURT: OKAY. HAVE YOU REVIEWED THE COMPLAINT  
21 SUMMARIZING THE CHARGES AGAINST YOU?

22 THE DEFENDANT: YES, YOUR HONOR.

23 THE COURT: AND YOU'RE SATISFIED YOU UNDERSTAND  
24 WHAT THOSE CHARGES ARE?

25 THE DEFENDANT: YES, YOUR HONOR.

1 THE COURT: I SEE THE GOVERNMENT IS SEEKING  
2 DETENTION.

3 BOTH READY TO PROCEED ON THAT ISSUE?

4 MR. NADIM: THEN, OBVIOUSLY, I'D LIKE TO REQUEST  
5 BAIL. I KNOW THE GOVERNMENT HAS REQUESTED DETENTION, BUT I'D  
6 LIKE TO ARGUE AND REQUEST BAIL.

7 THE COURT: ALL RIGHT.

8 WHY DON'T YOU MAKE YOUR PROFFER.

9 MR. CROWFOOT: YES, YOUR HONOR. THE GOVERNMENT  
10 OFFERS IN SUPPORT OF ITS REQUEST FOR DETENTION THE COMPLAINT  
11 AND AFFIDAVIT AS WELL AS THE PRETRIAL SERVICES REPORT THAT IS  
12 BEFORE THE COURT.

13 I'D NOTE, YOUR HONOR, A COUPLE OF CORRECTIONS OR  
14 FURTHER INFORMATION TO THAT PRETRIAL SERVICES REPORT.

15 THE MATTER THAT WAS BEFORE JUDGE ANDERSON HERE IN  
16 THIS COURTHOUSE, WHICH IS DESCRIBED AS A STILL PENDING  
17 DISPOSITION, IN FACT, WAS DISMISSED BY JUDGE ANDERSON ON  
18 MOTION FOR THE GOVERNMENT.

19 ANOTHER ISSUE OR PIECE OF INFORMATION THAT'S IN  
20 HERE, IT INDICATES INFORMATION RELATED TO THE DEFENDANT'S  
21 IMMIGRATION STATUS. THE COMPLAINT SWORN OUT BY THE ICE AGENT  
22 IN SAN DIEGO INCLUDES A REFERENCE TO THE FACT THAT THE  
23 DEFENDANT WAS DEPORTED IN 1995.

24 I BELIEVE HIS A FILE CONTAINS A LONG RECORD OF THE  
25 APPEALS TO THAT. SO, THAT IS NOT -- IT STATES IN HERE THAT

1 HE, IN FACT, REPORTS HAVING SELF-DEPORTED, BUT HE WAS  
2 DEPORTED BY THE UNITED STATES.

3 SO, WITH THOSE TWO ADDITIONS, YOUR HONOR, THE  
4 GOVERNMENT SUBMITS ON THAT -- ON ITS REQUEST FOR DETENTION.

5 ILLUSTRATING, OF COURSE, YOUR HONOR, THE FACT THAT  
6 HE IS PENDING A VERY SERIOUS CASE IN SAN DIEGO. HE IS IN  
7 THIS COUNTRY FOR THE PURPOSES OF THESE LEGAL PROCEEDINGS AND  
8 OTHERWISE DOES NOT HAVE LEGAL STATUS IN THE UNITED STATES.

9 MR. NADIM: YOUR HONOR, THE GOVERNMENT IS ALLUDING  
10 TO THE IMMIGRATION FILE, WHICH IS NOT BEFORE YOUR HONOR. BUT  
11 IF WE CAN TALK ABOUT THE FILE, THERE ARE DOCUMENTS, COPIES OF  
12 WHICH I HAVE WITH ME, THAT SHOW MR. DURRANI BECAME A U.S.  
13 CITIZEN ON MAY 13, 1986.

14 IF YOUR HONOR WOULD LIKE TO LOOK AT COPIES OF THE  
15 PAPERS, I WOULD SHOW IT TO YOU. HE WAS NOT DEPORTED IN 1995,  
16 BUT IT WAS IN 1998. HIS DEPORTATION WAS ILLEGAL BECAUSE THEN  
17 I OBTAINED THE IMMIGRATION FILE LATER ON RECENTLY. THERE IS  
18 PROOF THAT HE WAS A CITIZEN WHEN HE WAS DEPORTED.

19 I DON'T KNOW WHETHER THE CIRCUMSTANCES UNDER WHICH  
20 HE'S HERE FOR THIS PROCEEDING MAKES ANY DIFFERENCE, BUT HE  
21 WAS KIDNAPPED FROM MEXICO AND BROUGHT HERE.

22 SO, WITH THAT IN MIND, AGAIN, I'D LIKE TO ARGUE AND  
23 REQUEST BAIL.

24 THE PRETRIAL SERVICES -- THE REPORT INDICATES THAT  
25 HE WAS NOT INTERVIEWED. SO, THE BASIS OF THEIR REPORT IS



1 BASICALLY BASED ON WHAT THEY READ IN THE FILE.

2 THE COURT: ALL RIGHT. DID HE DECLINE TO BE  
3 INTERVIEWED?

4 MR. NADIM: YES.

5 THE COURT: OKAY. HE HAS THE RIGHT TO DECLINE, OF  
6 COURSE. IT'S HARDLY PRETRIAL SERVICES' FAULT THAT THEY DON'T  
7 HAVE MORE INFORMATION IF HE DOES DECLINE.

8 HOW WAS HIS PRESENCE HERE PROCURED?

9 MR. CROWFOOT: YOUR HONOR, I DON'T KNOW ALL OF THE  
10 DETAILS. BUT THE INFORMATION THAT I HAVE IS THAT MR. DURRANI  
11 WAS ACTUALLY EXPELLED FROM MEXICO AND CAME TO THE UNITED  
12 STATES IN THE COMPANY OF THE UNITED STATES MARSHALS WHO  
13 BROUGHT HIM HERE FROM MEXICO. AND, THEN, HE MADE HIS INITIAL  
14 APPEARANCE IN THIS VERY COURTROOM ON JUNE 16TH.

15 MR. DURRANI, THE GOVERNMENT WOULD SAY, WAS NOT  
16 KIDNAPPED IN MEXICO.

17 MR. NADIM: MAY I, YOUR HONOR?

18 THE COURT: YES.

19 MR. NADIM: I DO HAVE DOCUMENTS FROM THE MEXICAN  
20 GOVERNMENT THAT BASICALLY DESCRIBE THAT WHEN A FOREIGNER HAS  
21 A BUSINESS IN MEXICO, THEY ARE REQUIRED -- HE LIVED IN MEXICO  
22 FROM 1998 TO 2005. HE REPORTED EVERY YEAR. THE RULES IN  
23 MEXICO REQUIRE SOMEBODY LIKE MR. DURRANI TO FILE A CHANGE OF  
24 ADDRESS FORM EVERY TIME THEY MOVE.

25 IN APRIL OF 2005 HE SUBMITTED HIS DOCUMENTS TO THE

1 IMMIGRATION FOR HIS CHANGE OF ADDRESS. WHILE THAT WAS BEING  
2 PROCESSED, HE WAS KIDNAPPED FROM A RESTAURANT, TAKEN TO  
3 MEXICO CITY. WHILE HE WAS IN MEXICO CITY, FROM THAT POINT HE  
4 WAS KIDNAPPED BY THE U.S. MARSHALS AND BROUGHT TO THE U.S. ON  
5 A TICKET THAT WAS PURCHASED BY THE U.S. GOVERNMENT THREE DAYS  
6 BEFORE HE WAS KIDNAPPED.

7 THEREFORE, THE ARGUMENT THAT HE CAME HERE ON HIS  
8 OWN OR HE WAS ON A FLIGHT TO PAKISTAN WITH A LAY-OVER IN LOS  
9 ANGELES ARE INCORRECT.

10 YOUR HONOR, I MADE A MOTION TO DISMISS THE  
11 INDICTMENT IN JUDGE ANDERSON'S COURT. AND THE GOVERNMENT  
12 CHOSE TO DISMISS THE CASE BEFORE THE MOTION WAS HEARD.

13 THE BASIS OF THE MOTION WAS, NUMBER ONE, THAT HE  
14 WAS KIDNAPPED. AND IT HAD ALL THE DOCUMENTS ATTACHED. MR.  
15 --

16 THE COURT: SO, ALL THE DOCUMENTS THAT YOU'RE  
17 PROFFERING TODAY, THE GOVERNMENT HAS ALREADY SEEN?

18 MR. NADIM: THE GOVERNMENT HAS ALREADY SEEN, BUT  
19 THE GOVERNMENT -- THE COURT DISMISSED THE ACTION BEFORE THE  
20 MOTION WAS HEARD.

21 THE COURT: OKAY. AND I TAKE IT -- IF I UNDERSTOOD  
22 YOU CORRECTLY, YOU AGREE THAT HE WAS DEPORTED BY THE UNITED  
23 STATES GOVERNMENT, BUT YOU CONTEND THAT THE DEPORTATION WAS  
24 IMPROPER.

25 MR. NADIM: YES. I HAVE THOSE PAPERS HERE. I HAVE

1 PAPERS THAT SHOWED HE WAS A CITIZEN.

2 MR. CROWFOOT: YOUR HONOR, I WOULD EXPECT THAT IT  
3 WASN'T THE COURT'S INTENTION TO LITIGATE EITHER MR. DURRANI'S  
4 CITIZENSHIP THIS AFTERNOON OR THE CIRCUMSTANCES OF HIS  
5 DEPARTURE FROM MEXICO.

6 IF HIS ARGUMENTS WITH RESPECT TO HIS DEPARTURE FROM  
7 MEXICO TELLS US ANYTHING IT'S THAT HIS OWN VIEW IS THAT HE'S  
8 IN THE UNITED STATES AGAINST HIS WILL AND SHOULDN'T BE HERE,  
9 WHICH FOR THE PURPOSES OF THE ISSUE OF RETAINING HIM IN  
10 CUSTODY, YOUR HONOR WOULD INDICATE THAT HE HIMSELF IS MAKING  
11 THE ARGUMENT FOR FLIGHT.

12 HOWEVER, SINCE MR. DURRANI'S COUNSEL HAS RAISED THE  
13 ISSUE, JUST FOR THE SAKE OF THE RECORD -- ALTHOUGH I DON'T  
14 BELIEVE IT'S THE COURT'S INTENTION TO LITIGATE THAT ISSUE  
15 HERE. HE COULD MAKE A MOTION IN SAN DIEGO IF HE WISHES  
16 BEFORE THE JUDGE HEARING THAT CASE.

17 TWO THINGS. ONE, THE MOTION TO -- THE APPLICATION  
18 FOR DISMISSAL THAT THE UNITED STATES MADE BEFORE JUDGE  
19 ANDERSON WAS BASED ON A TECHNICAL ISSUE RELATED TO THE  
20 INDICTMENT AND THE ELEMENTS OF THE CHARGE. AND IT HAD  
21 NOTHING TO DO WITH MR. -- WITH THE DEFENDANT'S MOTION TO  
22 DISMISS.

23 IN ADDITION, MR. DURRANI'S COUNSEL ALSO HAS -- DID,  
24 IN FACT, SUBMIT TO THE COURT THE NUMBER OF DOCUMENTS RELATED  
25 TO HIS DEPARTURE FROM MEXICO OMITTING ONE VERY IMPORTANT

1 DOCUMENT, WHICH THE GOVERNMENT THEN ADDED TO THAT COURT'S  
2 RECORD, WHICH WAS A LETTER TO MR. DURRANI FROM THE GOVERNMENT  
3 OF MEXICO NOTIFYING HIM OF HIS EXPULSION FROM THAT COUNTRY.

4 NOW, ALL OF THOSE FACTS RELATED TO HOW HE GOT HERE  
5 MAY OR MAY NOT BE RELEVANT TO THE CONTINUATION OF HIS CASE IN  
6 SAN DIEGO. BUT THE GOVERNMENT DID CITE IN ITS OPPOSITION TO  
7 DEFENDANT'S MOTION BEFORE JUDGE ANDERSON THE ALVAREZ-MACHIN  
8 CASE, A SUPREME COURT CASE ON THE VERY ISSUE OF AN ACTUAL  
9 KIDNAPPING IN THAT CASE.

10 AND THE COURT IN THAT CASE RULED THAT THAT REALLY  
11 ACTUALLY WAS NOT RELEVANT TO WHETHER THAT CASE WAS GOING TO  
12 GO FORWARD.

13 SO, YOUR HONOR, THE ISSUE OF WHETHER MR. DURRANI  
14 SHOULD REMAIN IN CUSTODY, THE FACT REMAINS THAT HE IS -- HE'S  
15 IN THIS COUNTRY FOR THE SAKE OF THESE LEGAL PROCEEDINGS. HE  
16 IS PRESENT HERE. AND WHETHER OR NOT ULTIMATELY SOME  
17 APPELLATE COURT MIGHT DECIDE TO REHEAR HIS IMMIGRATION ISSUE,  
18 THE FACT IS AS OF TODAY BY HIS OWN STATEMENT MR. DURRANI WAS,  
19 IN FACT, DEPORTED FROM THE UNITED STATES. AND HE HAS NO  
20 LEGAL STATUS IN THIS COUNTRY.

21 YOUR HONOR, IT IS ABUNDANTLY CLEAR THAT MR. DURRANI  
22 IS A FLIGHT RISK. AND THAT BEING THE ISSUE, THE GOVERNMENT  
23 WOULD ARGUE THAT HE REMAIN IN CUSTODY AS HE HAS BEEN FOR THE  
24 CASE.

25 THE COURT: HAVE YOU DONE ANY SORT OF POTENTIAL

1 SENTENCE CALCULATION?

2 MR. CROWFOOT: I HAVE NOT WITH RESPECT TO THE CASE  
3 IN SAN DIEGO, YOUR HONOR. IT'S A TEN-YEAR MAXIMUM SENTENCE I  
4 BELIEVE. I HAVE NOT -- I JUST SAW THE COMPLAINT FROM SAN  
5 DIEGO FOR THE FIRST TIME THIS AFTERNOON. SO, I'VE NOT DONE A  
6 SENTENCE CALCULATION.

7 THE COURT: ALL RIGHT. THE GOVERNMENT'S REQUEST  
8 FOR DETENTION IS GRANTED.

9 THIS IS AN OUT-OF-DISTRICT MATTER. WHAT ELSE DO WE  
10 NEED TO TAKE UP THIS AFTERNOON?

11 MR. CROWFOOT: YOUR HONOR, WE NEED TO TAKE UP, I  
12 BELIEVE, THE ISSUE OF IDENTITY AND REMOVAL -- FROM THE  
13 PRELIMINARY HEARING DATE. I WON'T SPEAK FOR DEFENSE ON THIS,  
14 BUT I'LL JUST SAY --

15 THE COURT: GO AHEAD.

16 MR. CROWFOOT: -- WHAT I THINK WE'VE DISCUSSED.  
17 WHICH WAS THAT I BELIEVE IT'S MR. DURRANI'S INTENTION TO  
18 WAIVE IDENTITY AND TO ASK FOR THIS COURT TO SET THE  
19 PRELIMINARY HEARING DATE AS FAR INTO THE FUTURE AS IT LEGALLY  
20 MAY DO SO THAT HE MAY CONTINUE TO CONFER WITH HIS COUNSEL  
21 HERE BEFORE HE GOES TO SAN DIEGO TO RESPOND TO THE --

22 MR. NADIM: YOUR HONOR, THE WARRANT FOR ARREST WAS  
23 SIGNED ON SEPTEMBER 23. TEN COURT DAYS FROM SEPTEMBER 23RD  
24 WOULD BE OCTOBER 5TH. THAT'S WHEN WE'D LIKE TO HAVE THE  
25 PRELIMINARY HEARING.

1 THE DECISION FOR REMOVAL CAN BE HELD ON THE SAME  
2 DATE. MY CLIENT DOES NOT INTEND TO WAIVE HIS RIGHT TO THE  
3 HEARING FOR ANY PERIOD AFTER 10 DAYS. TEN DAYS WOULD BE  
4 OCTOBER 5TH.

5 MR. CROWFOOT: I CAN'T SEE THE CALENDAR. IT'S ON  
6 THIS SIDE.

7 THE COURT: ALL RIGHT. PRELIMINARY HEARING IS  
8 SCHEDULED FOR OCTOBER 5, 2005, 10:00 A.M. THAT WILL BE  
9 BEFORE ME IN MY COURTROOM ON THE SIXTH FLOOR OF THE BUILDING.

10 ANYTHING ELSE WE NEED TO TAKE UP?

11 MR. CROWFOOT: YOUR HONOR, I ACTUALLY BELIEVE THE  
12 DEFENDANT WAS ARRESTED ON MONDAY. AND, SO, THE ORDER FOR  
13 ARREST MAY HAVE BEEN SIGNED LAST FRIDAY, BUT HE WAS, IN FACT,  
14 ARRESTED MONDAY. AND I'M WONDERING WHETHER WE COULD ACTUALLY  
15 (INAUDIBLE) --

16 MR. NADIM: YOUR HONOR, THE WARRANT WAS SIGNED ON  
17 THE 23RD. NOW, THAT WAS --

18 THE COURT: I SET THE DATE. IF THAT DATE POSES A  
19 PROBLEM, THEN, YOU CAN REQUEST A CONTINUANCE.

20 MR. CROWFOOT: THANK YOU, YOUR HONOR.

21 MR. NADIM: YOUR HONOR, I HAVE A COUPLE OF  
22 REQUESTS. FIRST OF ALL --

23 THE COURT: A COUPLE OF WHAT? I'M SORRY.

24 MR. NADIM: I HAVE TWO REQUESTS, IF I MAY. THEY  
25 HAVE --

1 (MR. NADIM CONFERRING WITH CLIENT.)

2 MR. NADIM: THEY TOOK AWAY HIS LEGAL PAPERS, LEGAL  
3 FILE, AND HIS GLASSES. HE'S GOT HIS GLASSES BACK. I WANT  
4 YOUR HONOR TO ORDER THE MARSHALS TO RELEASE HIS LEGAL  
5 DOCUMENTS TO HIM. I HAVE MADE THE REQUEST A COUPLE OF TIMES  
6 TODAY, BUT IT HASN'T BEEN DONE.

7 THE COURT: ALL RIGHT. I SUSPECT THEY'LL BE  
8 RETURNED TO HIM IN THE NORMAL COURSE ONCE HE'S SITUATED WHERE  
9 HE'S GOING TO BE IN CUSTODY. SO, IF THAT IS A CONTINUING  
10 PROBLEM, THEN, LET MY CLERK KNOW, AND I'LL ADDRESS IT THEN.

11 MR. NADIM: THANK YOU, YOUR HONOR.

12 MR. CROWFOOT: YOUR HONOR, DID WE ACTUALLY GET ON  
13 THE RECORD THE DEFENDANT'S WAIVER OF IDENTITY -- OR MY  
14 PROFFER --

15 THE COURT: ALL RIGHT. THERE SHOULD BE A FORM  
16 THERE. COULD HE PLEASE EXECUTE THAT FORM. IT'S A USEFUL  
17 CLARIFICATION.

18 (PAUSE IN PROCEEDINGS.)

19 THE COURT: NO BOXES WERE CHECKED.

20 (PAUSE IN PROCEEDINGS.)

21 THE DEFENDANT: I CHECKED THREE BOXES.

22 (PAUSE IN PROCEEDINGS.)

23 THE COURT: OKAY. AS FILLED OUT, THE FORM  
24 INDICATES THAT THE DEFENDANT WOULD LIKE A PRELIMINARY  
25 EXAMINATION IN THE PROSECUTING DISTRICT. THAT'S NOT THIS

1 DISTRICT.

2 MR. NADIM: OH, NO, NO. I'D LIKE TO CROSS THAT  
3 OUT. I'M SORRY. YOU KNOW, YOU'RE PUT ON THE SPOT.

4 (PAUSE IN PROCEEDINGS.)

5 THE COURT: ALL RIGHT. THE DEFENDANT'S WAIVER OF  
6 IDENTITY HEARING IS ACCEPTED BY THE COURT.

7 I THINK WE'RE READY FOR THE NEXT CASE.

8 MR. NADIM: THANK YOU.

9 (PROCEEDINGS CONCLUDED.)

10

11

12

13

14

15

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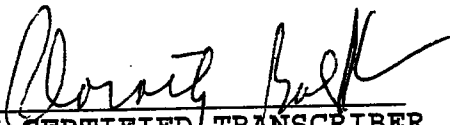
24

25



C E R T I F I C A T E

I CERTIFY THAT THE FOREGOING IS A CORRECT  
TRANSCRIPT FROM THE ELECTRONIC SOUND RECORDING OF THE  
PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

  
FEDERALLY CERTIFIED TRANSCRIBER  
DOROTHY BABYKIN

11/4/05  
DATED

# APPENDIX J

\*\*\* LIMITED OFFICIAL USE \*\*\*

DATE: 09/28/2005 TIME: 13:29 PAGE: 1

UNITED STATES MARSHALS SERVICE  
PRISONER TRACKING SYSTEM  
CENTRAL DISTRICT OF CALIFORNIA  
DISTRICT: 12 OFFICE: ROY

INDIVIDUAL CUSTODY AND DETENTION REPORT USM (129)

NAME: DURANI, ARIF ALI  
USMS NUMBER: 31948112

PHONE:

CATION DATA:

NR: 31948112 NAME: DURANI, ARIF ALI

ESS: EXTRADITION FROM MEXICO, XX

08/14/1949 AGE: 56 POB: PAKISTAN, XX

FBI NBR: 447572FA5

ALIEN NBR: A2173558

SPECIAL HANDLING REMARKS:  
HIGH BLOOD PRESSURE

SUBJ. TAKES ACCUPRIL FOR HEART MURMUR

REMARK

ECIAL HANDLING CODE:

EDICAL

EDICAL

DETAINER/DATE ACTIVE AGENCY  
06/15/2005 Y CUSTOMS & BORDER PROTECTION

ALIAS REMARKS:

PRISONERS ALIASES:  
NONE

GENERAL REMARKS:

ARRESTING AGENT

BODY HELD OVER DUE TO OUTSTANDING S/CA CASE

## I. CASE INFORMATION:

CTR STATUS  
1 RL-DISMSS  
2 WT-TRIAL

COURT CASE NUMBER  
CR 99-740  
05-2011M

FEDERAL COURT CITY  
LOS ANGELES  
LOS ANGELES

LOCATION OF ARREST  
MEXICO  
ROYAL FED BUILDING

WARRANT NUMBER  
C/CA  
S/CA

CTR ARREST DATE ARRESTING AGENCY  
1 06/15/2005 U.S. MARSHALS SERVICE  
2 09/26/2005 U.S. MARSHALS SERVICE

CTR OFFENSE  
1 (2699) FRAUD  
2 (4808) COMPOUNDING CRIME

CTR SENTENCE DATE SENTENCE  
1 \*\*/\*\*/\*\*\*\*  
2 \*\*/\*\*/\*\*\*\*

DISPOSITION  
OFFENSE REMARK  
22 USC 2778 EXPORTING DEFENSE ARTICLES W CHARGES DISMISSED/DROPPED  
22 USC 2278 CONSPIRACY/ ARMS CONTROL ACT NOT YET DISPOSED

APPEAL DATE  
\*\*/\*\*/\*\*\*\*  
\*\*/\*\*/\*\*\*\*

## III. STATUS HISTORY

CTR STATUS  
1 WT-TRIAL

STATUS DATE  
06/15/2005

CUSTODY DATE  
06/15/2005

RELEASE DATE  
\*\*/\*\*/\*\*\*\*

REMARK  
C/CA

\*\*\* LIMITED OFFICIAL USE \*\*\*

1st case -

09027-014-

United States Marshals Service  
LIMITED OFFICIAL USE  
Subject Report for DURRANI, ARIF (FID 389864)



Arrested in District: 012

To Be Prosecuted: U

Close Summary: MCFO DEPORT FROM MEXICO CITY. DUSM'S [REDACTED] AND INSPTR.  
[REDACTED] ESOCRTED AND TOT US CUSTOMS AT PORT OF ENTRY.

b7C, J2

# APPENDIX K

1 Arif A. Durrani  
Reg. No 09027-014  
2 Federal Correctional Complex  
Victorville I  
3 P.O. Box 5300  
Adelanto, CA 92301-5300  
4  
5  
6  
7

8 UNITED STATES DISTRICT COURT  
9 DISTRICT OF COLUMBIA

10	ARIF A. DURRANI	)	PETITION FOR DISCLOSURE
		)	OF ALL DOCUMENTS AND LOSS
11	Petitioner,	)	OF PROPERTY, ASSETS AND
		)	DAMAGES FOR WILLFUL ACTS
12	v.	)	OF THE AGENCIES WITH ADVERSE
		)	AFFECT PURSUANT TO 5 U.S.C.
13	U.S. DEPARTMENT OF JUSTICE,	)	\$552a/PRIVACY ACT
	U.S. DEPARTMENT OF STATE AND	)	
14	DEPARTMENT OF HOMELAND SECURITY,	)	
		)	
15	Respondents.	)	
		)	
16		)	

17  
18 Arif A. Durrani, Petitioner, (DURRANI), requests the  
19 U.S. District Court, for an order for disclosure of all the  
20 documents withheld under his Freedom of Information and Privacy  
21 Act requests to the Respondents.

22 JURISDICTION

23 This U.S. District Court has jurisdiction for this  
24 action pursuant to 5 U.S.C. §552(a)(4)(B), and has jurisdiction  
25 over the defendants, because the actions occurred within the  
26 confines of this court.

27 //

28 ///

1 VENUE

2 The venue is proper in the District of Columbia, pursuant  
3 to U.S.C. §1391.

4 STATEMENT OF THE CASE

5 The relevant procedural history of the case is set forth  
6 in more detail in the statement of facts section. In brief, this  
7 is a case arising from the arrest and extradition for which the  
8 Petitioner was innocent, and no offense was committed. All three  
9 Respondents knew prior to their actions that the Petitioner was  
10 innocent or should have known that the Petitioner was innocent  
11 from the documents that were in their constructive possession  
12 prior to the alleged offense in May 1994.

13 STATEMENT OF FACTS

14 In May 1999, the U.S. Attorney, Central District of  
15 California, obtained a fraudulent indictment CR99-470-PA, after  
16 the case agent, Wayne Kempton, U.S. Customs was rebuffed by the  
17 U.S. Attorney in the District of Connecticut on May 17, 1994.

18 On June 12, 2005, the AUSA William P. Cole, Southern  
19 District of California, knowingly, willingly and intentionally  
20 caused the arrest of the Petitioner without any probable cause  
21 and had him extradited from his legal residence in Mexico on  
22 June 15, 2005, by providing the government the fraudulent sealed  
23 indictment CR99-470-PA. He caused the Mexican immigration  
24 officials to be bribed to obtain the Mexican residency records  
25 of the Petitioner.

26 //

27 ///

28 ///

1 He utilized this information to cause the cancellation  
2 of the Petitioner's residency in Mexico. He further caused false  
3 documents to be fabricated to conceal his activities. On June 22,  
4 2005. He caused the Petitioner's property to be taken away  
5 without any probable cause.

6 The Petitioner filed his requests under the FOIA and  
7 the Privacy Act upon each of the Respondents. The Respondents  
8 denied these requests. All administrative appeals or time for  
9 response have been exhausted. The documents sought from all three  
10 Respondents are in a series of documents for the same actions  
11 in support of the instructions given or caused by AUSA William  
12 P. Cole. The following FOIA and Privacy Act numbers were assigned  
13 to the Petitioner's requests:

14 U.S. Department of State: 200602972

15 U.S. Department of Justice: 07-2423 (Appeal 08-0363)

16 U.S. Department of Homeland Security: 07FOIA53208 (Appeal  
17 DHS 08-034), 2008FOIA1044 and 2008FOIA871

18 REQUEST FOR RELIEF

19 Petitioner requests a Vaughn Index to ensure complete  
20 disclosure of all the documents from the three Respondents and  
21 payment for damages caused by the illegal arrest and extradition  
22 for which he was innocent of all the charges and for his loss of  
23 all his property by these willful acts of these three agencies  
24 and the cost for litigation.

25 CONCLUSION

26 For the foregoing reasons, the Petitioner requests the  
27 complete disclosure of all the documents, return of all his  
28 //



1 property and damages and seeks equitable remedy and damages to  
2 effectuate complete justice.

3 Respectfully submitted on this 17th day of March 2008  
4

5 Arif A. Durrani  
6

7 AFFIDAVIT OF MAILING

8 Arif A. Durrani, hereby attests that pursuant to the  
9 rules of the District Court, the preceding petition was enclosed  
10 in an envelope, first class postage prepaid and addressed to:

11 Ms. Nancy Mayer-Wittington  
12 Clerk of the Court  
13 333 Constitution Avenue, N.W.  
Washington, D.C. 20001-2866

14 U.S. Department of Homeland Security  
15 Office of the General Counsel  
Washington, D.C. 20538

16 U.S. Department of State, SA-2  
17 Office of Information Programs and Services  
Washington, D.C. 20522-8100

18 Office Information and Privacy  
19 Department of Justice  
1425 New York Avenue, Washington, D.C. 20530

20 It is further attested that the envelopes were deposited  
21 with the mail room at the Federal Correctional Complex on the  
22 17th day of March, 2008.  
23

24 Arif A. Durrani  
25  
26  
27  
28

ADDENDUM TO PETITION

The Petitioner was arrested and extradited for CR99-470-PA. The proceedings for this case has been terminated in favor of the Petitioner. Under 5 U.S.C. §552(c)(1)(B)(ii),

the agency may, during only such time as circumstances continues, treat the records as not subject to the requirements of this section.

Therefore, the exemptions of (b)(7)(A) and- should not be applicable to the requested disclosure by the three agencies.



Office of Information and Privacy

Telephone: (202) 514-3642

Washington, D.C. 20530

**FEB 26 2008**

Mr. Arif A. Durrani  
Register No. 09027-014  
Federal Correctional Institution  
Post Office Box 5300  
Adelanto, CA 92301

Re: Appeal No. 08-0363  
Request No. 07-2423  
KAH:CL

Dear Mr. Durrani:

You appealed from the action of the Executive Office for United States Attorneys (EOUSA) on your request for access to records pertaining to yourself.

After carefully considering your appeal, I am affirming EOUSA's action on your request. The records responsive to your request are exempt from the access provision of the Privacy Act of 1974 pursuant to 5 U.S.C. § 552a(j)(2). See 28 C.F.R. § 16.81 (2007). Because these records are not available to you under the Privacy Act, your request has been reviewed under the Freedom of Information Act in order to afford you the greatest possible access to them.

EOUSA properly withheld certain information that is protected from disclosure under the FOIA pursuant to:

5 U.S.C. § 552(b)(5), which concerns certain inter- and intra-agency communications protected by the attorney work-product and deliberative process privileges;

5 U.S.C. § 552(b)(7)(A), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to interfere with enforcement proceedings;

5 U.S.C. § 552(b)(7)(C), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties; and

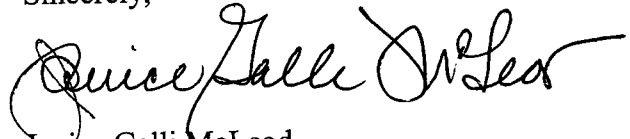
5 U.S.C. § 552(b)(7)(D), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to disclose the identities of confidential sources and information furnished by such sources.

-2-

In addition, EOUSA referred twenty-five pages of responsive records to the Department of Homeland Security and two pages of responsive records to the United States Marshals Service for processing and direct response to you. These referrals were proper and in accordance with Department of Justice regulations. See 28 C.F.R. § 16.4(C).

If you are dissatisfied with my action on your appeal, you may file a lawsuit in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

A handwritten signature in black ink, appearing to read "Janice Galli McLeod". The signature is fluid and cursive, with the first name "Janice" being the most prominent.

Janice Galli McLeod  
Associate Director

**APPENDIX L**

DETAILS OF INVESTIGATION:

On June 13, 2005, SA Bucaro was informed by SSA William "Dale" Edwards, ICE Attach, Mexico City, Mexico of the following: On June 12, 2005, the Government of Mexico detained Arif Ali DURRANI during the Government of Mexico's public safety operation, "Secure Mexico." DURRANI's detention was based on Article 37 of the General Population Law that authorizes the Government of Mexico to remove foreigners who have a criminal history in another country. DURRANI was subsequently transported to Mexico City, processed and deported.

On June 15, 2005, DURRANI was deported from Mexico to Pakistan, his country of birth, through the United States. When DURRANI arrived at Los Angeles International Airport, for a layover and connecting flight to Pakistan, he was taken into custody by ICE agents from RAC/Oxnard and SAC/San Diego, pursuant to an outstanding sealed arrest warrant (CR 99-470) out of the Central District of California. As requested by the United States Attorney's Office, Central District, DURRANI was not interviewed. DURRANI was processed and transported to Metropolitan Detention Center (MDC) in Los Angeles, California by ICE agents from RAC/Oxnard.

The investigation continues.

COLLATERAL REQUESTS:

None at this time.

UNDEVELOPED LEADS:

To be determined by SAC/San Diego.

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REQUESTED BY: BUCARO, BRIAN R

O F F I C I A L U S E O N L Y

DEPARTMENT OF HOMELAND SECURITY ICE				1. TECS ACCESS CODE [REDACTED]	
R E P O R T O F I N V E S T I G A T I O N				2. PAGE 1	
				3. CASE NUMBER [REDACTED]	
4. TITLE: ARIF DURRANI DBA AEROSPACE LOGISTICS SERVICES ET AL.					
5. CASE STATUS: INTERIM RPT					
6. REPORT DATE 070805	7. DATE ASSIGNED 112904	8. CLASS [REDACTED]	9. PROGRAM CODE [REDACTED]	10. REPORT NO. [REDACTED]	
11. RELATED CASE NUMBERS: [REDACTED]					
12. COLLATERAL REQ:					
13. TYPE OF REPORT: INVESTIGATIVE FINDINGS / OTHER INFORMATION					
TOPIC: ARREST OF ARIF ALI DURRANI AT LAX					

## 14. SYNOPSIS:

AEROSPACE LOGISTICS SERVICES is owned and operated by Arif Ali DURRANI, who has previously been convicted and incarcerated for three counts of violating Title 22 U.S.C. 2778, Arms Export Control Act, DURRANI has been a U.S. Customs fugitive since May 1999, based on a sealed indictment and arrest warrant out of RAC/Oxnard, for further violations of U.S. export law.

DURRANI has lived in Mexico since 1998 after being declared deportable by INS in 1995. On June 12, 2005, Mexican authorities took DURRANI into custody and subsequently deported him from Mexico to Pakistan through the United States. ICE agents from RAC/Oxnard and SAC/San Diego arrested DURRANI, pursuant to the outstanding arrest warrant, at Los Angeles International Airport, where DURRANI was to connect for a flight to Pakistan. Contained within are details as to DURRANI's arrest.

15. DISTRIBUTION: SACSD	16. SIGNATURE: [REDACTED]		SPECIAL AGENT
	17. APPROVED: [REDACTED]		OI GRP SUPERVISOR
	18. ORIGIN OFFICE: SD SAN DIEGO, CA - SAC		19. TELEPHONE: 619 744 [REDACTED]
			20. TYPIST: [REDACTED]

O F F I C I A L U S E O N L Y

THIS DOCUMENT IS LOANED TO YOU FOR OFFICIAL USE ONLY AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY, ICE. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO ICE HEADQUARTERS TOGETHER WITH A COPY OF THE DOCUMENT.

## O F F I C I A L U S E O N L Y

DEPARTMENT OF HOMELAND SECURITY ICE  REPORT OF INVESTIGATION CONTINUATION	1. PAGE 2 2. CASE NUMBER [REDACTED] 3. REPORT NUMBER: [REDACTED]
---	--

## DETAILS OF INVESTIGATION:

On June 13, 2005, SA [REDACTED] was informed by SSA [REDACTED] ICE Attach, Mexico City, Mexico of the following: On June 12, 2005, the Government of Mexico detained Arif Ali DURRANI during the Government of [REDACTED] DURRANI's detention was based on Article 37 of the General Population Law that authorizes the Government of Mexico to remove foreigners who have a criminal history in another country. DURRANI was subsequently transported to Mexico City, processed and deported.

On June 15, 2005, DURRANI was deported from Mexico to Pakistan, his country of birth, through the United States. When DURRANI arrived at Los Angeles International Airport, for a layover and connecting flight to Pakistan, he was taken into custody by ICE agents from RAC/Oxnard and SAC/San Diego, pursuant to an outstanding sealed arrest warrant (CR 99-470) out of the Central District of California. As requested by the United States Attorney's Office, Central District, DURRANI was not interviewed. DURRANI was processed and transported to Metropolitan Detention Center (MDC) in Los Angeles, California by ICE agents from RAC/Oxnard.

The investigation continues.

## COLLATERAL REQUESTS:

None at this time.

## UNDEVELOPED LEADS:

To be determined by SAC/San Diego.

## O F F I C I A L U S E O N L Y

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# APPENDIX M

REQUESTED BY: [REDACTED]

OFFICIAL USE ONLY

DEPARTMENT OF HOMELAND SECURITY  
ICE

TECS ACCESS CODE [REDACTED]

SIGNIFICANT ACTIVITY REPORT

PAGE 1

CASE NUMBER: [REDACTED]

CASE TITLE: ARIF ALI DURRANI ETAL..

SHORT TITLE:

ARREST OF ARIF ALI DURRANI, ICE FUGITIVE AND DEPORTATION THROUGH  
THE UNITED STATES.REPORT DATE/TIME  
061505 2007DATE ASSIGNED  
101304

CLASS [REDACTED]

PROGRAM CODE [REDACTED]

SAR NUMBER [REDACTED]

SAS NUMBER: 2005AR001855801 | SEAR NUMBER: [REDACTED]

RELATED CASE: SD03IR05SD0003

FOR ADDL INFO CONTACT: [REDACTED]

TITLE: SENIOR SPEC AGENT

PHONE: [REDACTED]

LEVEL OF SENSITIVITY/IMPORTANCE:

OF INTEREST TO ICE DIRECTOR OF INVESTIGATIONS

PUBLICITY INSTRUCTIONS/RESTRICTIONS: - REG. PUBLIC AFFAIRS

DISTRIBUTION (EMAIL):

APPROVING OFFICIALS:

LOC - [REDACTED]  
SAC/CA- [REDACTED]  
HQ - [REDACTED]SENIOR ICE REPRESENTATIVE  
ICE ASST ATTACHE  
OI PROGRAM MANAGERDATE: 061505  
DATE: 061605  
DATE: 062105

DISTRIBUTION:

CAMX SCRTJ HQFG HQEX  
SACSD

SIGNATURE:

[REDACTED] SENIOR SPEC AGENT

APPROVED:

[REDACTED] SENIOR ICE REPRESENT

ORIGINAL OFFICE: TJ  
TIJUANA - SIR

TELEPHONE: [REDACTED]

TYPIST: [REDACTED]

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O F F I C I A L U S E O N L Y

DEPARTMENT OF HOMELAND SECURITY  
ICE

TECS ACCESS CODE [REDACTED]

SIGNIFICANT ACTIVITY REPORT

PAGE 2

C O N T I N U A T I O N

CASE NUMBER: [REDACTED]

SAR NUMBER: [REDACTED]

CASE PROGRAM CODES:

977 FOREIGN INTELLIGENCE 521 MEXICO BI-LATERAL IN

O F F I C I A L U S E O N L Y

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## O F F I C I A L U S E O N L Y

DEPARTMENT OF HOMELAND SECURITY ICE  SIGNIFICANT ACTIVITY REPORT  C O N T I N U A T I O N	TECS ACCESS CODE [REDACTED]
	PAGE 3
	CASE NUMBER: [REDACTED] SAR NUMBER: [REDACTED]

On 09/30/2004, the Senior ICE Representative Tijuana Office (SIR/TJ) in conjunction with the Tijuana, Mexico, Mexican National Intelligence Agency (CISN), initiated an investigation into the illicit activities of a Pakistani National identified as Arif Ali DURRANI ETAL, who resided in Rosarito, Mexico.

It was later discovered that the investigation focused into violations of the Arms Export Control Act by the SAC/San Diego Strategic group (SAC/SDSG). A joint international investigation commenced with the cooperation of SAC/SD Strategic Group, SIR/TJ and CISN. The investigation focused on the identification of DURRANI's associates, businesses and method of operation.

The investigation lead to the identification of [REDACTED] and [REDACTED] DURRANI and [REDACTED] were identified as being business associates with businesses in Rosarito, Mexico. It was also discovered that DURRANI and [REDACTED] have active outstanding arrest warrants from the U.S., and an extensive criminal history. DURRANI was convicted and subsequently deported to France on charges stemming from Violations of the Munitions Control Act.

DURRANI: Current outstanding ICE-NCIC Warrant [REDACTED] of

Warrant:

05/07/1999, Charges for Weapons Offense Case (CR-99-470).

1: 1986-10-03/US Customs-New Haven: Violation of Control Act

2: 1987-06-17/US Customs-Phoenix: 3 Counts: Exporting Restricted Munitions Without a license (10 year confinement). Mandatory release on 1992/09/01.

USINS Deportation Proceeding: 1998-Deported to France.

[REDACTED]

DURRANI was detained by Mexican Federal Investigative Agency and Immigration Institute (INM) on Sunday June 12, 2005 at about 1600 hours during [REDACTED] DURRANI was then transported to Mexico City INM headquarters. ICE Attache coordinated with th Mexican authorities for the deportation of DURRANI, who was placed on a flight to Pakistan on June 15, 2005. The flight itinerary had two stop overs in U.S. soil, with the first stop being at LAX. SAC/SD coordinated with SAC/LA for the arrest of DURRANI on his stop over at the LAX airport.

## O F F I C I A L U S E O N L Y

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DEPARTMENT OF HOMELAND SECURITY ICE	TECS ACCESS CODE [REDACTED]
SIGNIFICANT ACTIVITY REPORT	PAGE 4
C O N T I N U A T I O N	CASE NUMBER: [REDACTED] SAR NUMBER: [REDACTED]

SIR/TJ continues coordination with the local L.E. authorities to find and [REDACTED]

K2476

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# APPENDIX N

Client: DurraniContact: Wm Cole, DWA in Indigo Phone No: \_\_\_\_\_ Date: 7/14 Time: 3Party - Called: ✓ Returned Call: \_\_\_\_\_ Left Message: \_\_\_\_\_ Interview/Meeting: \_\_\_\_\_

his work on on investigation in Indigo

i. more recent activity

wanted to open up a dialogue re: possible  
pre-ind disposition &  
possible comp.since 99, this inv. has been involved in numerous import of defense  
stuff.

very well aware of

Rick Tobi

Charles Buddings

detailed transsexual history of  
him directly activity

↓

know abt A37b

including blades

fighter aircraft

know not forging IBS parts - or alt. forging

extensive records of micrographs

aerographs

coastal alt. invest.

+ money transfer

to buy articles.

no ind. yet → possible indictment

looking til end of Aug = window to discuss this point.

if indictment to work stg out cd do that

his supplying things overseas  
cd provide assistance w/ ppl in U.S. + overseas



Client: Durron

Contact: \_\_\_\_\_ Phone No: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

I/Party -- Called: \_\_\_\_\_ Returned Call: \_\_\_\_\_ Left Message: \_\_\_\_\_ Interview/Meeting: \_\_\_\_\_

wd start w/ proffer

cd person into tx

possibility of sly proscr like calls → but might be futile

knows sm associates are aware of arrest  
not sure all

Al: <sup>band</sup> ~~band~~ — might end up in immig custody?  
not sure

pretty reluctant att band

not inclined at this pt

but if really impressed cd

two bells internally stayed out

⇒ Helius mex sent him back →

✓ NEWS articles

che has a hunch, he may want to fight

# CASINO

DATE	TIME	EVENT	NOTES
8-9		(619) 557-7859	I called Aust William Cole in S.D.; he advised Δ is a target in Southern District, arms dealer operating non stop since arrival in MX; interesting in talking to Δ.
8-15			I spoke w/ Aust; Bill Crawford; advised that not interested in cooperating & this is a likely trial
8-19	12:00	(803) 393-4405 X114	I called Cole & advised the same. I left message for Case agent Desmond Gibson; request a return call to set up date & time to review discovery in his office
	3:30		Spoke w/ Crawford re discovery; he advised that Circle was subpoenaed but no documents received; East Ex also told no documents; does kept at WTC & no longer exist. Possibly dealing w/ Circle new Company

# APPENDIX O

1 DEBRA WONG YANG  
United States Attorney  
2 THOMAS P. O'BRIEN  
Assistant United States Attorney  
3 Chief, Criminal Division  
WILLIAM A. CROWFOOT (SBN 134173)  
4 Assistant United States Attorney  
1300 United States Courthouse  
5 312 North Spring Street  
Los Angeles, California 90012  
6 Telephone: (213) 894-4465  
Facsimile: (213) 894-6436  
7 Email: william.crowfoot@usdoj.gov

FILED  
CLERK, U.S. DISTRICT COURT  
SEP 23 2005  
CENTRAL DISTRICT OF CALIFORNIA  
BY [Signature] DEPUTY

Priority  
Send  
Enter  
Closed  
JS-5/JS-6  
JS-2/JS-3  
Scan Only

8 Attorneys for Plaintiff  
United States of America

UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 ARIF DURRANI,

13 Defendant.

) No. CR 99-470-PA

) GOVERNMENT'S EX PARTE APPLICATION  
) FOR LEAVE OF COURT TO DISMISS  
) INDICTMENT PURSUANT TO FED. R.  
) CRIM. P. 48(a)

14 Plaintiff, United States of America, pursuant to Fed. R.  
15 Crim. P. 48(a), hereby moves ex parte for leave of court to  
16 dismiss with prejudice the above-captioned indictment.  
17  
18  
19

20 This application is based upon the attached memorandum of  
21 points and authorities, the files and records in this case, and  
22  
23  
24  
25

26 ///

ENTER ON CMS

SEP 26 2005

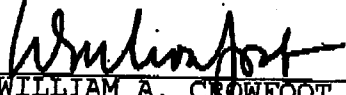
CLERK, U.S. DISTRICT COURT  
SEP 23 2005  
CENTRAL DISTRICT OF CALIFORNIA  
BY [Signature] DEPUTY

1 any such additional evidence or argument as may be presented at  
2 any hearing on this application.

3 Dated: September 23, 2005 Respectfully submitted,

4 DEBRA WONG YANG  
5 United States Attorney

6 THOMAS P. O'BRIEN  
7 Assistant United States Attorney  
8 Chief, Criminal Division

9   
10 WILLIAM A. CROWFOOT  
11 Assistant United States Attorney

12 Attorneys for Plaintiff  
13 United States of America  
14  
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MEMORANDUM OF POINTS AND AUTHORITIES

## I.

DISCUSSION

The Indictment charges defendant with two counts of exporting defense articles, namely, J-85 jet engine compressor blades, without having a license, in violation of 22 U.S.C. § 2778(b)(2) and (c), and 22 C.F.R. §§ 127.1(d) and 127.3. Defendant and his company did not have or obtain export licenses for the defense articles in question, as correctly alleged in the indictment. In the course of preparing this case for trial, the government has learned that the purchaser of those goods did in fact have such export licenses and that, therefore, no further licenses were required. Although, defendant, as a debarred person, was not permitted to participate directly or indirectly in the export of defense articles at the time of the transaction, defendant was not charged with that specific offense.<sup>1</sup>

In considering whether to grant the government leave to dismiss an indictment with prejudice pursuant to Rule 48(a), the Ninth Circuit has instructed that:

Separation of power concerns generally require a district court to defer to the

---

<sup>1</sup> At the time of the transaction, defendant was prohibited from exporting or causing the export of defense articles as a result of having been debarred. The debarment resulted from defendant's 1987 conviction. In April 1987 a jury found defendant guilty of three counts of violating the Arms Export Control Act, 22 U.S.C. § 2778(a)(2) and (c), namely, two counts of attempting to export arms without a license and one count of failing to register as an arms exporter with the State Department's Office of Munitions Control. The conviction was affirmed on appeal. See United States v. Durrani, 835 F.2d 410 (1987).

SCANNED

1 government's decision to seek dismissal of a  
2 criminal charge because a denial of the  
3 motion would represent an intrusion upon  
4 prosecutorial prerogative. [citation  
5 omitted]. The decision to dismiss an  
6 indictment implicates concerns that the  
7 Executive is uniquely suited to evaluate, and  
8 a district court should be reluctant to deny  
9 its request.

10 United States v. Gonzalez, 58 F.3d 459, 462 (9th Cir. 1995); see  
11 also id. at 461 ("In light of the history and purpose of Rule  
12 48(a), we have . . . required district judges entertaining such  
13 requests [for leave to dismiss] to grant considerable deference  
14 to the prosecutor"); id. ("the district court's discretion to  
15 deny leave is limited"); United States v. Hayden, 860 F.2d 1483,  
16 1487 (9th Cir. 1988) ("While the judiciary has been authorized to  
17 supervise prosecutorial decisions to dismiss, Rule 48(a) was not  
18 enacted for the purpose of usurping the traditional role of the  
19 prosecutor to determine whether to terminate a pending  
20 prosecution"). This principle holds especially true in cases  
21 where the request for leave to dismiss is uncontested. See  
22 Gonzalez, 58 F.3d at 461 ("a district court may deny an  
23 uncontested request only 'in extremely limited cases . . . when  
24 the prosecutor's actions clearly indicate a betrayal of the  
25 public interest'") (quoting United States v. Welborn, 849 F.2d  
26 980, 983 n.2 (5th Cir. 1988)).

## III.

CONCLUSION

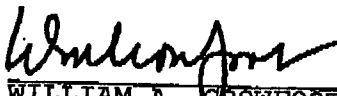
For the foregoing reasons, the government respectfully requests leave to dismiss the pending indictment in this case with prejudice.

Dated: September 23, 2005

Respectfully submitted,

DEBRA WONG YANG  
United States Attorney

THOMAS P. O'BRIEN  
Assistant United States Attorney  
Chief, Criminal Division

  
WILLIAM A. CROWFOOT  
Assistant United States Attorney

Attorneys for Plaintiff  
United States of America

SCANNED



**CERTIFICATE OF SERVICE BY MAIL**

**I, MONICA MORALES-GUZMAN, declare:**

That I am a citizen of the United States and resident or employed in Los Angeles County, California; that my business address is Office of United States Attorney, United States Courthouse, 312 North Spring Street, Los Angeles, California 90012; that I am over the age of eighteen years, and am not a party to the above-entitled action;

That I am employed by the United States Attorney for the Central District of California who is a member of the Bar of the United States District Court for the Central District of California, at whose direction the service by mail described in this certificate was made; that on September 23, 2005, I deposited in the United States mail in the United States Courthouse at 312 North Spring Street, Los Angeles, California, in the above-entitled action, in an envelope bearing the requisite postage, a copy of:

**GOVERNMENT'S EX PARTE APPLICATION FOR LEAVE OF COURT TO DISMISS INDICTMENT PURSUANT TO FED. R. CRIM. P. 48(a).**

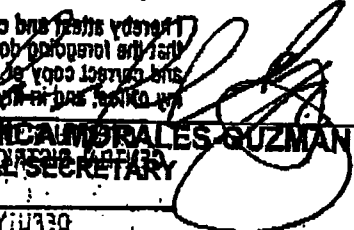
Addressed to:

**MOHAMMAD NADIM, ESQ.  
1541 OCEAN AVE.  
SANTA MONICA, CA 90401-2104**

at HIS/HER/THEIR known address, at which place there is a delivery service by United States mail.

This Certificate is executed on September 23, 2005, at Los Angeles, California.

I certify under penalty of perjury that the foregoing is true and correct.

  
MONICA MORALES-GUZMAN  
LEGAL SECRETARY

X-320 YU130

# APPENDIX P

Arif A. Durrani  
Reg. No. 09027-014  
Federal Correctional Complex  
Victorville I  
Adelanto, CA 92301

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ARIF A. DURRANI,

Defendant.

CASE No. CR 99-470-PA

(PROPOSED) ORDER  
CERTIFICATE OF INNOCENCE

Upon motion of the United States of America, the court  
HEREBY DISMISSES with prejudice the above - captioned indictment  
for the following reasons:

a) The defendant was arrested in Mexico on June 12,  
2005. He was surrendered by Mexico and extradited to the United  
States on June 15, 2005. He was arrested by U.S. Deputy Marshal,  
Reyes, in Mexico city, and brought to Los Angeles, California.

b) The export license was issued prior to May 18, 1994,  
and was in the government files. No offense was committed by  
the defendant or anyone else against the United States.

/

//

///

1 c) The documents and property seized based on this  
2 indictment from the defendant must be returned by the  
3 government, nunc pro tunc to September 23, 2005. No aspects of  
4 these seizures be used for any other purposes by the government.

5 d) The government must inform the government of Mexico,  
6 the defendant did not commit any offense against the United  
7 States for which the surrender was secured. The immigration  
8 status of the defendant be restored.

9  
10 Dated: \_\_\_\_\_

THE HON. PERCY ANDERSON  
United States District Judge

11  
12 Presented by:

13  
14 \_\_\_\_\_  
15 Arif A. Durrani,  
Defendant

16 //  
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# APPENDIX Q

09/03/2007 03:19

2138941732

US MARSHALS SERVICE

PAGE 04/06

09/06/2007 11:57 Page 1 of 2



LIMITED OFFICIAL USE  
 UNITED STATES MARSHALS SERVICE  
 PRISONER TRACKING SYSTEM  
 DISTRICT OF CENTRAL DISTRICT OF CALIFORNIA  
 DISTRICT: 12 OFFICE: ROY  
 INDIVIDUAL CUSTODY AND DETENTION REPORT USM 129  
 NAME: DURRANI, ARIF ALI  
 USMS NUMBER: 09027014

## I. IDENTIFICATION DATA

USMS NUMBER: 09027014		NAME: DURRANI, ARIF ALI	
ADDRESS: EXTRADITION FROM MEXICO, XX		PHONE:	
DOB: 08/14/1949	AGE: 58	POB: PAKISTAN, XX	
SEX: M	RACE: W	HAIR: BLK	EYE: BRO
SSN:		HEIGHT: 511	WEIGHT: 180
FBI NBR: 447572FAS		ALIEN NBR: A21763558	

*** SPECIAL HANDLING CODE	SPECIAL HANDLING REMARK
MED	HIGH BLOOD PRESSURE
MED	SUBJ. TAKES ACCUPRIL FOR HEART MURMUR

DETAINEE DATE	ACTIVE	AGENCY	REMARK
06/15/2005	N	CUSTOMS & BORDER PROTECTION	

PRISONER ALIAS	ALIAS REMARK
NONE	

GENERAL REMARKS	b7C, 2
ARRESTING AGENT	
BODY HELD OVER DUE TO OUTSTANDING S/CA CASE	

## II. CASE INFORMATION

CTR	STATUS	COURT CASE NUMBER	FEDERAL COURT CITY	JUDGE	US ATTORNEY	DEFENSE ATTORNEY
1	RL-DISMSB	CR 99-740	LOS ANGELES			
2	RL-WOR	05-2011M	LOS ANGELES			

CTR	ARREST DATE	ARRESTING AGENCY	ARREST LOCATION	WARRANT NUMBER
1	06/15/2005	U.S. MARSHALS SERVICE	MEXICO	C/CA
2	09/26/2005	U.S. MARSHALS SERVICE	ROYAL FED BUILDING LACA	S/CA

CTR	OFFENSE CODE	OFFENSE	REMARK	DISPOSITION
1	2699	FRAUD	22 USC 2778 EXPORTING DEFENSE ARTICLES W/O LICENSE	CHARGES DISMISSED/DROPPED
2	4808	COMPOUNDING CRIME	22 USC 2278 CONSPIRACY/ ARMS CONTROL ACT	UNKNOWN

## III. STATUS HISTORY

23

# APPENDIX R



[TRANSLATION]

NATIONAL INSTITUTE FOR MIGRATION  
COORDINATION OF MIGRATORY CONTROL  
AND VERIFICATION

OFFICIAL LETTER NO. 4220

RE: ASSIGNMENT LETTER

Mexico City, June 14, 2005

[REDACTED]  
FEDERAL MIGRATION AGENT  
EMPLOYEE NO. [REDACTED]

[REDACTED]  
FEDERAL MIGRATION AGENT  
EMPLOYEE No. [REDACTED]

K2617c

I HEREBY INFORM YOU THAT YOU HAVE BEEN DESIGNATED TO CARRY OUT THE  
ASSIGNMENT WHOSE DETAILS ARE PRESENTED BELOW:

**PLACE:** Mexico City Miami, Florida, USA London, England  
Miami, Florida, USA Mexico City

**PERIOD:** FROM THE 15<sup>TH</sup> TO THE 17<sup>TH</sup> OF JUNE, 2005

**OBJECTIVE:** CARRYING OUT THE TRANSFER, CUSTODY AND REMOVAL OF  
ALIEN ARIF DURRANI, PAKISTANI NATIONAL.

IN KEEPING WITH THE ABOVE, YOU SHOULD APPLY FOR THE CORRESPONDING PER DIEM  
PAYMENTS AND INTERNATIONAL TICKETS, WHICH WILL BE CHARGED AGAINST THE  
ADMINISTRATIVE UNIT'S BUDGET IN RELATION TO PROJECT PO55 ENTITLED THE  
DOCUMENTING AND REGULARIZATION OF THE ENTRY, STAY AND EXIT OF FOREIGNERS.

I REMIND YOU OF THE COMMITMENT AND OBLIGATION TO SUBMIT AN ACCOUNT OF THE  
FUNDS RECEIVED NO LATER THAT THREE WORKING DAYS AFTER THE ASSIGNMENT IS  
CONCLUDED.

SINCERELY YOURS,

THE ADMINISTRATOR

HECTOR EDUARDO ZELONKA VALDES



# APPENDIX S

**COPY**

CAROL C. LAM  
United States Attorney  
WILLIAM P. COLE  
Assistant United States Attorney  
California State Bar No. 186772  
Federal Office Building  
880 Front Street, Room 6293  
San Diego, California 92101-8893  
Telephone: (619) 557-7859

Attorneys for Plaintiff  
United States of America

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
(HONORABLE LARRY A. BURNS)

UNITED STATES OF AMERICA,

Plaintiff,

v.

ARIF ALI DURRANI,

Defendant.

Crim. Case No. 05CR1746-LAB

GOVERNMENT'S RESPONSE AND  
OPPOSITION TO DEFENDANT'S  
MOTIONS FOR:

- 1) AN ORDER OF DISMISSAL OF THE  
INDICTMENT;
- 2) AN ORDER SUPPRESSING  
EVIDENCE ILLEGALLY SEIZED ON  
JUNE 22, 2005;
- 3) AN ORDER DIRECTING THE  
GOVERNMENT TO PRODUCE  
GRAND JURY TRANSCRIPTS; AND
- 4) AN ORDER DIRECTING THE  
GOVERNMENT TO PRODUCE  
DOCUMENTS REQUESTED

TOGETHER WITH STATEMENT OF  
FACTS, MEMORANDUM OF POINTS  
AND AUTHORITIES, AND THE  
GOVERNMENT'S NOTICE OF MOTION  
AND MOTION FOR RECIPROCAL  
DISCOVERY

Date: November 28, 2005  
Time: 2:00 p.m.

COMES NOW Plaintiff United States of America, by and through its counsel, Carol C. Lam,  
United States Attorney, and William P. Cole, Assistant U.S. Attorney, and files its Response and  
Opposition to Defendant's above-referenced motions and moves for reciprocal discovery. The

1 opposition and motion are based upon the files and records of the case together with the following  
2 statement of facts and memorandum of points and authorities.

3 I

4 STATEMENT OF FACTS

5 A. The Arms Export Control Act

6 The Arms Export Control Act (22 U.S.C. § 2778) authorizes the President of the United  
7 States to control the export of "defense articles" by designating items, such as military aircraft and  
8 military aircraft components, on the United States Munitions List.

9 Munitions List items are classified by category at 22 C.F.R. § 121.1. Category VIII of the  
10 United States Munitions List covers military aircraft and associated equipment. Specifically,  
11 Category VIII(a) covers military aircraft which are specifically designed, modified or equipped for  
12 military purposes. Category VIII(b) covers military aircraft engines (except reciprocating engines)  
13 specifically designed or modified for the aircraft described in Category VIII(a). Likewise, Category  
14 VIII(h) designates as defense articles any "[c]omponents, parts, accessories, attachments, and  
15 associated equipment specifically designed or modified for the articles in paragraphs (a) through (e)"  
16 of Category VIII. 22 C.F.R. § 121.1, Category VIII(h).

17 To engage in the business of exporting defense articles or defense services, persons must be  
18 registered with the Department of State, Directorate of Defense Trade Controls (formerly "Office of  
19 Defense Trade Controls"), and must apply for and receive validated licenses or other approvals from  
20 the Department of State to export the defense articles. See 22 C.F.R. §§ 122.1(a), 123.1(a). Foreign  
21 persons (other than governments) are not eligible to receive export licenses. 22 C.F.R. § 120.1(c).

22 Any application for an export license may be disapproved whenever an applicant, any party to  
23 the export agreement, or any person who has a significant interest in the transaction has been  
24 debarred, suspended, or is otherwise ineligible to receive an export license or other authorization  
25 from any agency of the United States government. 22 C.F.R. § 126.7(a)(6).

26 //

27 //

28 //

1           **B.     Durrani's Criminal and Immigration History**

2           Durrani was born in Pakistan in 1949. [Decl. of William P. Cole, Exhibit 1 ("Application for  
3     Status as Permanent Resident").] He immigrated to the United States and gained lawful permanent  
4     resident status in 1978.

5           In 1986, Durrani applied for naturalization. However, in October 1986 -- while not yet  
6     naturalized -- he was arrested and indicted for illegally exporting, and attempting to export, HAWK  
7     missile system components intended for Iran. In 1987, he was convicted in the District of  
8     Connecticut on three counts of violating the Arms Export Control Act.<sup>1/</sup> He was sentenced to 10  
9     years in prison, but was paroled after serving about 5 years in custody. X

10          In July 1988, as a result of his conviction, the United States government statutorily debarred  
11     Durrani from receiving export licenses, as reported at 53 Federal Register 27097-27098, July 18,  
12     1988. Durrani remains on the United States Department of State, Directorate of Defense Trade  
13     Controls' List of Statutorily Debarred Parties, which list is accessible to the public through the  
14     Directorate of Defense Trade Controls' website. ✓

15          Durrani's crimes also cost him his lawful permanent resident status. He tried to avoid  
16     deportation by applying for political asylum. [Cole Decl., Exhibit 2 ("Application for Asylum and  
17     for Withholding of Deportation").] However, in 1995, his request for political asylum was denied,  
18     and he was ordered deported from the United States. [Cole Decl., Exhibit 3 ("Decision and Order of  
19     the Immigration Judge").]

20          Notably, during his deportation proceedings before the Immigration Judge, Durrani admitted  
21     under oath that his arrest derailed his attempt to naturalize:

22                 Q.     Did you ever apply for naturalization? .

23                 A.     Yes, I did.

24                 Q.     And, what happened to that application?

25                 A.     Everything was completed and the only thing left was that I had  
26                         to take that final oath in the stadium to complete that.

27                         

---

  
28                 <sup>1/</sup> For background regarding Durrani's 1986 arrest and subsequent conviction, see United  
                  States v. Durrani, 835 F.2d 410 (2d Cir. 1987), and Durrani v. United States, 294 F. Supp. 2d 204 (D.  
                  Conn. 2003).

1 Q. And, why -- did you take that oath?

2 A.. No, I did not.

3 Q. Why not?

4 A. Because I was arrested at -- prior to that. I guess  
5 (indiscernible).

6 JUDGE TO MR. DURRANI: You're going to have to speak up, Mr.  
7 Durrani.

8 A. I was arrested prior to actual ceremony in the stadium.

9 [Deportation Proceedings held September 29, 1993.]<sup>2/</sup>

10 Although ordered deported in 1995, Durrani didn't actually leave the United States until 1998  
11 (after an unsuccessful appeal to the Fifth Circuit). He soon settled in Rosarito Beach, Mexico.

12 **C. Durrani is Indicted in the Central District of California**

13 In 1999, a grand jury returned an Indictment against Durrani charging him with two counts of  
14 violating the Arms Export Control Act in connection with the export of turbine engine compressor  
15 blades to Jordan in 1994. [Cole Decl., Exhibit 4 (Warrant for Arrest and Indictment).] By this time,  
16 Durrani was already in Mexico.

17 **D. Durrani Continues His Illegal Arms Export Business from Mexico**

18 From Mexico, Durrani continued to engage in the illegal export of defense articles from the  
19 United States through U.S.-based co-conspirators named George Charles Budenz II and Richard  
20 Tobey. Doing business as Aerospace Logistics Services, Durrani received orders from foreign  
21 clients for military aircraft parts designated on the United States Munitions List. Often, these orders  
22 were for components of the General Electric J85 turbine jet engine, which powers the F-5 military  
23 fighter aircraft and the T-38 military trainer aircraft.

24 After receiving an order, Durrani would task Budenz or Tobey with locating, purchasing  
25 and/or accepting delivery of aircraft components. Durrani would then provide Budenz and Tobey  
26 with instructions to export the parts from the United States, often also instructing them to falsify

27  
28 <sup>2/</sup> The Government is in possession of a certified copy of the tape of the September 29, 1993 proceedings. The Government will have the certified copy available at the November 28, 2005 motion hearing.

1 invoices or other shipping documents associated with the exports. Durrani funded Budenz and  
 2 Tobey with cash and wire transfers from Mexican bank accounts held in the names of Durrani's  
 3 businesses, Aerospace Logistics Services and Coastal Cities Investments. Neither Budenz nor Tobey  
 4 (much less Durrani) ever obtained any export licenses from the Department of State.

5 Although Durrani orchestrated many illegal exports, the Government will provide just a few  
 6 examples here. On July 1, 2004, at Durrani's written instruction, Tobey exported from the United  
 7 States to the United Arab Emirates a cockpit canopy for the T-38 military trainer aircraft.<sup>3/</sup> The  
 8 export filled a purchase order received by Durrani from a foreign client. No license was obtained for  
 9 this export.

10 In December and January 2005, Budenz exported from the United States to Malaysia T-5  
 11 amplifiers used on the J85 turbine jet engine. Even though Durrani sold the amplifiers for \$45,000 a  
 12 piece, he instructed Budenz to describe the amplifiers on the shipping documents as worth only  
 13 \$400. No licenses were obtained for these exports.

14 On January 27, 2005, on behalf of Durrani, Budenz exported to Malaysia nine nozzles for the  
 15 Honeywell T-55 engine, which powers the CH-47 "Chinook" helicopter. The export was part of an  
 16 extended transaction between Durrani, another foreign parts broker, and Iran Aircraft Industries.  
 17 Durrani sold the nozzles for \$48,600 a piece. Again, no license was obtained for this export.

#### 18 **E. Mexico Deports Durrani**

19 On or about June 15, 2005, the Mexican government deported Durrani from Mexico.  
 20 Durrani's air travel from Mexico City to Karachi, Pakistan included a stop in Los Angeles.<sup>4/</sup> Durrani  
 21 was accompanied on the flight from Mexico City to Los Angeles by a Mexican immigration official.  
 22 Two United States Marshals also were on the flight.<sup>5/</sup> Contrary to Durrani's assertion, no federal  
 23  
 24  
 25

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26 <sup>3/</sup> The T-38 is used to train fighter pilots. It is similar to the F-5.

27 <sup>4/</sup> Durrani's travel itinerary provided for air travel from Mexico City to Karachi, Pakistan,  
 28 via Los Angeles, Houston, Toronto, London, and Dubai.

<sup>5/</sup> Durrani was not the only fugitive on the flight.

1 agents "kidnaped" him.<sup>4</sup> The United States Marshals on the flight were not even armed. When  
 2 Durrani arrived at LAX, federal agents arrested him on the warrant arising from the 1999 indictment  
 3 out of the Central District of California. [Cole Decl., Exhibit 4.] Proceedings commenced against  
 4 Durrani in Los Angeles. However, on or about September 23, 2005, the United States Attorney's  
 5 Office for the Central District of California moved to dismiss the 1999 indictment. [Cole Decl.,  
 6 Exhibit 5 ("Government's Ex Parte App. for Leave of Court to Dismiss Indictment Pursuant to Fed.  
 7 R. Crim. P. 48(a)").]

8 **F. Agents Obtain Records and Other Evidence from**  
 9 **Durrani's Residence and Storage Facility in Mexico**

10 On June 22, 2005, several ICE agents traveled to the residence of Durrani's wife, Suzanne  
 11 Stehr, in Rosarito Beach, Mexico. There, Stehr told the agents that she did not want to be involved  
 12 in Durrani's situation, and that she was in the process of moving his possessions out of his residence  
 13 and into storage. She also told the agents that Durrani had aircraft parts at a nearby factory. The  
 14 agents asked for Stehr's consent to search her residence, Durrani's residence, and the factory. Stehr  
 15 consented. She gave the agents written consent to take aircraft parts, documents, and computers  
 16 belonging to her and/or Durrani. She accompanied the agents to Durrani's residence, which was  
 17 nearby. She used a key in her possession to open the door and let agents into Durrani's residence.  
 18 The agents then went to Durrani's factory, where they seized numerous military aircraft parts.

19 Stehr told the agents that she also had Durrani's laptop computer. About two days later,  
 20 Stehr willingly gave the laptop to ICE Special Agent Richard Federico.

21 **G. The Indictment**

22 On September 23, 2005, United States Magistrate Judge Barbara L. Major issued an arrest  
 23 warrant for Durrani on a felony Complaint filed that same day in this district. The Complaint  
 24 charged Durrani with conspiracy to violate the Arms Export Control Act, alleging overt acts taking  
 25 place in 2004 and 2005. Durrani was arrested on the warrant on September 26, 2005. On September  
 26

27 <sup>4</sup> Durrani's penchant for creative stories and allegations is nothing new. The district judge  
 28 who presided over Durrani's criminal case in Connecticut observed that the record revealed that Durrani  
 "on several occasions has committed or has caused to be committed falsehoods in the pre-trial, trial and  
 post-trial proceedings in this matter, reflecting a complete disdain for the law and this Court." Durrani  
v. United States, 294 F. Supp. 2d 204, 208 (D. Conn. 2003).



29, 2005, a federal grand jury sitting in the Southern District of California returned a five-count Indictment charging Durrani with conspiracy to violate the Arms Export Control Act, in violation of 18 U.S.C. § 371, and four counts of violating the Arms Export Control Act, in violation of 22 U.S.C. § 2778(b)(2) and (c), and 22 C.F.R. §§ 121.1, 123.1, and 127.1. On October 5, 2005, a magistrate judge in Los Angeles ordered Durrani's removal to this district.

#### H. The Status of Budenz and Tobey

On August 26, 2005, Richard Tobey pled guilty to conspiracy to violate the Arms Export Control Act (Criminal Case No. 05-CR-1462-LAB). On October 18, 2005, George Charles Budenz II pled guilty to three counts of violating the Arms Export Control Act (Criminal Case No. 05-CR-1863-LAB). Both men await sentencing.

### II

#### THE MOTION TO DISMISS THE INDICTMENT SHOULD BE DENIED

Durrani moves to dismiss the Indictment on several grounds. He contends: (1) that the Indictment does not state facts sufficient to state an offense by Durrani; (2) that pre-indictment delay warrants dismissal under the Speedy Trial Act, Fed. R. Crim. P. 48(b), and the due process clause; (3) that he was "forcibly kidnaped from Mexico"; (4) that he was chosen for "selective prosecution"; and (5) that the Government has "used evidence it seized after the arrest to form the basis of probable cause for the arrest."<sup>7</sup> These contentions are thinly developed, if at all, in Durrani's memorandum of points and authorities. None has merit.

#### A. The Indictment States Offenses Against Durrani

Durrani's moving papers provide no explanation for his assertion that the Indictment states no offense. Nevertheless, the Government will respond briefly to the assertion.

First, even a cursory review of the Indictment will show that it properly states a conspiracy offense under 18 U.S.C. § 371. The Indictment alleges that Durrani knowingly and intentionally agreed and conspired with other persons to commit offenses against the United States, to wit, to knowingly and willfully export from the United States defense articles designated on the United States Munitions List

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<sup>7</sup> Durrani also complains that he has not received grand jury transcripts or other discovery. The Government addresses those issues in the sections of this memorandum responding to Durrani's other motions.



1 without first having obtained from the Department of State a license for such export or written  
 2 authorization for such export, in violation of Title 22, United States Code, Section 2778(b)(2) and (c),  
 3 and Title 22, Code of Federal Regulations, Sections 121.1, 123.1, and 127.1. [Indictment, p. 2:17-27.]

4 The Indictment alleges Durrani's personal participation in the conspiracy, as well as numerous overt acts  
 5 undertaken in furtherance of the conspiracy. [Indictment, p. 3-5.]

6 Second, Counts 2 through 5 state offenses under 22 U.S.C. § 2778. The elements of the offense  
 7 of exporting defense articles without a license are: (1) that defendant exported, or caused to be exported,  
 8 from the United States a defense article designated on the United States Munitions List; (2) that the  
 9 defendant did not obtain a license or written approval for export from the Department of State; and (3)  
 10 that defendant did such acts knowingly and willfully. See 22 U.S.C. § 2778; 22 C.F.R. § 127.1(a)(1);  
 11 United States v. Ortiz-Loya, 777 F.2d 973, 980 (5th Cir. 1985). Counts 2 through 5 allege each of those  
 12 elements. Accordingly, the Indictment states valid offenses.

13 **B. The Indictment Should Not be Dismissed Under the Speedy**  
 14 **Trial Act, Rule 48(b) or the Due Process Clause**

15 Durrani contends that a 106-day "delay" between his arrest on June 15, 2005, and the Indictment  
 16 in this case somehow violated the Speedy Trial Act and also warrants dismissal under Fed. R. Crim. P.  
 17 48(b) and the Due Process Clause. He is wrong.

18 **1. The Speedy Trial Act**

19 Under the Speedy Trial Act, Durrani's arrest on June 15, 2005, has no bearing on the present  
 20 Indictment. The Speedy Trial Act mandates that any indictment "charging an individual with the  
 21 commission of an offense shall be filed within thirty days from the date on which such individual was  
 22 arrested or served with a summons in connection with such charges." 18 U.S.C. § 3161(b) (emphasis  
 23 added). On June 15, 2005, Durrani was arrested on the warrant issued from the Central District of  
 24 California in 1999 in connection with a 1999 indictment charging Durrani with violating the Arms  
 25 Export Control Act in 1994. [Exhibit 4.] Durrani was not charged with any crime in this district until  
 26 the filing of the Complaint on September 23, 2005. He was arrested on the Complaint on September  
 27 26, 2005. He was indicted in this district on September 29, 2005 – well within the 30-day period  
 28 provided by 18 U.S.C. § 3161(b). Neither the Complaint nor the Indictment in this district has anything

1 to do with the charges contained in the 1999 indictment, which, as noted, concerned conduct in 1994.  
2 Accordingly, the Indictment did not violate the Speedy Trial Act. See United States v. Hausman, 894  
3 F.2d 686, 687 (5th Cir. 1990) (where the warrant and complaint upon which the defendant was arrested  
4 did not contain the offense upon which the defendant was later convicted, the alleged delay between  
5 arrest and indictment did not violate the Speedy Trial Act).

6 **2. Fed. R. Crim. P. 48(b)**

7 Under Fed. R. Crim. P. 48(b), if there is unnecessary delay presenting a charge to a grand jury,  
8 the court may dismiss the indictment. The Ninth Circuit has emphasized that "a Rule 48(b) dismissal  
9 'should be imposed only in extreme circumstances.'" United States v. Huntley, 976 F.2d 1287, 1291  
10 (9th Cir. 1992) (quoting United States v. Sears, Roebuck & Co., 877 F.2d 734, 737 (9th Cir. 1989));  
11 accord United States v. Jiang, 214 F.3d 1099, 1101 (9th Cir. 2000).

12 Because of the severity of the sanction, the Ninth Circuit has held that a district court abuses its  
13 discretion if it dismisses under Rule 48(b) without first satisfying the requirements of "caution" and  
14 "forewarning." Jiang, 214 F.3d at 1101; Huntley, 976 F.2d at 1292. "Forewarning" means just that.  
15 See Huntley, 976 F.2d at 1292 ("For example, if the court had a reasonable concern about the old  
16 complaint and unreturned arrest warrant, it might have ordered the government to obtain an indictment  
17 or show cause why the complaint should not be dismissed."). "The term 'caution' is used in this circuit  
18 in a non-obvious, technical sense. Caution requires findings of prosecutorial misconduct and actual  
19 prejudice to the accused." Id.

20 Durrani does not meet these standards. He makes the conclusory assertion that a 106-day "delay"  
21 between his arrest on the Central District warrant and his subsequent indictment by a grand jury in this  
22 district caused him "substantial actual prejudice." But he does not describe the nature of any prejudice--  
23 much less "substantial" prejudice--that he supposedly suffered. Nor does he make any intelligible  
24 showing of prosecutorial misconduct. And, of course, he does not allege that the United States Attorney  
25 was "forewarned" that seeking an indictment within just months of a crime could result in a dismissal  
26 for "delay."

27 The Indictment in this case was rapid, not delayed. The Indictment alleges illegal exports as late  
28 as January 2005 and a conspiracy continuing up to June 2005. The Indictment issued in September 2005

1 -- less than a year into the five-year statute of limitations. This is not an "extreme" circumstance  
2 warranting a Rule 48(b) dismissal.

### 3 3. Due Process

4 "The Fifth Amendment guarantees that defendants will not be denied due process as a result of  
5 excessive preindictment delay." United States v. Sherlock, 962 F.2d 1349, 1353 (9th Cir. 1992). Courts  
6 scrutinize alleged violations of this guarantee under a two-pronged test. Id. First, the defendant must  
7 prove that he has suffered "actual, non-speculative prejudice from the delay." Id. "[T]he proof must be  
8 definite and not speculative, and [the defendant] must demonstrate how the loss of a witness and/or  
9 evidence is prejudicial to his case." United States v. Gregory, 322 F.3d 1157, 1165 (9th Cir. 2003)  
10 (quoting Moran, 759 F.2d at 782). This burden is "heavy" and this Court "frequently find[s] actual  
11 prejudice lacking." Sherlock, 962 F.2d at 1354; accord Huntley, 976 F.2d at 1290 ("The task of  
12 establishing the requisite prejudice for a possible due process violation is 'so heavy' that we have found  
13 only two cases since 1975 in which any circuit has upheld a due process claim."). Second, the defendant  
14 "must show that the delay, when balanced against the prosecution's reasons for it, offends those  
15 'fundamental conceptions of justice which lie at the base of our civil and political institutions.'" Id. at  
16 1353-54 (citation omitted).

17 Here, as already explained, Durrani makes nothing but a conclusory assertion of prejudice. He  
18 does not allege that the "delay" caused him to lose any witnesses or evidence. Nor does he demonstrate  
19 how indicting him within months of the alleged offenses violates any fundamental conceptions of justice.  
20 Accordingly, he fails to show any due process violation.

### 21 C. Durrani's Allegation that He was "Kidnaped" in Mexico 22 Provides No Basis for Dismissal of the Indictment

23 Durrani alleges that he "was kidnaped and arrested by three U.S. agents from San Diego,  
24 California who arrived in Mexico City and physically, with weapons pointed at my head, kidnaped and  
25 arrested me." [Declarations of Arif Durrani ¶ 2.] Without citing any authority, he asserts that this  
26 purported "kidnaping" warrants dismissal of the Indictment. He is wrong.

27 Even assuming that United States agents "kidnaped" Durrani in Mexico City (which they did  
28 not), it would not warrant dismissal of the Indictment. In United States v. Alvarez-Machain, 504 U.S.

655 (1992), the Supreme Court considered the forcible kidnaping of Humberto Alvarez-Machain from Mexico to stand trial for participating in the murder of Drug Enforcement Administration special agent Enrique Camarena-Salazar and another person. The Supreme Court held that the forced abduction of Alvaraz-Machain provided no defense to the jurisdiction of United States courts. *Id.* at 657. Indeed, “[t]he Supreme Court has long held that the manner by which a defendant is brought to trial does not affect the government’s ability to try him.” United States v. Matta-Ballesteros, 71 F.3d 754, 762 (9th Cir. 1995); accord United States v. Gonzalez, 240 F.3d 14, 16 (1st Cir. 2001) (seizure of defendant in foreign country – without resort to extradition procedures -- did not create any jurisdictional defect). Accordingly, even if true, Durrani’s “kidnap” allegations would provide no basis for dismissal.

**D. Durrani’s Unsupported Allegation of Selective Prosecution Provides No Basis for Dismissal**

Durrani makes an ill-defined claim that the Indictment should be dismissed for “selective prosecution.” His moving papers state:

Defendant was wrongly convicted of the similar charges in 1987, served time, was released in 1992, was in the country until 1998 when he was illegally deported even though he had become a U.S. Citizen on May 13, 1996. Said ‘selective prosecution’ has continued until the instant case.

[Mot. & Not. by Def. for an Order of Dismissal of Indictment, p. 3:12-15.]

Durrani fails to establish a valid selective prosecution claim. “The government retains broad discretion as to whom to prosecute.” Belmontes v. Brown, 414 F.3d 1094, 1126 (9th Cir. 2005). “[A] presumption of regularity supports prosecutorial judgments, and ‘in the absence of clear evidence to the contrary, courts presume that [prosecutors] have properly discharged their official duties.’” *Id.* (quoting United States v. Armstrong, 517 U.S. 456, 464 (1996)). “In our system, so long as the prosecutor has probable cause to believe that the accused committed an offense defined by statute, the decision whether or not to prosecute, and what charge to file or bring before a grand jury, generally rests entirely in his discretion.” Bordenkircher v. Hayes, 434 U.S. 357, 364 (1978). However, the decision to prosecute may not be based on unjustifiable standards such as race, religion, or other arbitrary classifications, including the exercise of protected statutory and constitutional rights. Belmontes, 414 F.3d at 1126. “In order to

1 prevail on a selective prosecution claim, a defendant must show that the prosecutorial policy both had  
2 a discriminatory effect and was motivated by a discriminatory purpose." Id.

3 Here, Durrani makes no such showing. His personal opinion that he was "wrongfully convicted"  
4 and "illegally deported" is irrelevant. Durrani does not even articulate, much less establish, any  
5 prosecution policy having a discriminatory effect or motivated by a discriminatory purpose.  
6 Accordingly, the Court should reject his selective prosecution claim.

7 **E. There Was Probable Cause For Durrani's Arrest**

8 Citing United States v. Bizier, 111 F.3d 214 (1st Cir. 1997), Durrani contends that the  
9 Government used evidence seized after his arrest to provide probable cause for the arrest. Bizier merely  
10 stands for the proposition that evidence obtained after an arrest may not form the basis of probable cause  
11 for that arrest. Id. at 217. That proposition has no relevance here. As already explained, Durrani was  
12 arrested on June 15, 2005 on an arrest warrant issued on an Indictment. Accordingly, there was probable  
13 cause for that arrest. Later, on September 26, 2005, Durrani was arrested on a warrant issued on a  
14 Complaint. Thus, at the time of the arrest, a probable cause determination had already been made by a  
15 judicial officer. Therefore, Durrani's motion to dismiss the Indictment should be denied.

16 **III**

17 **THE COURT SHOULD NOT SUPPRESS EVIDENCE OBTAINED IN MEXICO**

18 Durrani moves to suppress the evidence obtained during the search of his residence and business  
19 premises in Rosarito Beach, Mexico. He contends that the searches violated the Fourth Amendment.  
20 His contention lacks merit.

21 "The proponent of a motion to suppress has the burden of establishing that his own Fourth  
22 Amendment rights were violated by the challenged search or seizure." Rakas v. Illinois, 439 U.S. 128,  
23 132 (1978). The Fourth Amendment does not apply to the search and seizure by United States agents  
24 of property that is owned by a nonresident alien and located in a foreign country. United States v.  
25 Verdugo-Urquidez, 494 U.S. 259, 261 (1990).

26 Here, it is undisputed that the searches took place in a foreign country. Moreover, Durrani is a  
27 nonresident alien. His application for political asylum was denied and he was ordered deported from  
28 the United States in 1995. [Exhibits 2 and 3.]. See also Durrani v. United States, 294 F. Supp. 2d 204,

208-09, 214 (D. Conn. 2003) (recounting Durrani's own assertions that his claim for political asylum was denied, that he was ordered deported in 1995, that he left the United States in 1998, and that he then made unsuccessful attempts to gain a visa to reenter the United States).

Against these facts, Durrani offers nothing more than his own conclusory assertion that he has been a United States citizen since May 1986. This self-serving assertion does not carry his burden of establishing that he is a United States citizen. Therefore, under Verdugo-Urquidez, Durrani has failed to establish that the Fourth Amendment even applied to the searches in Mexico. His motion to suppress should be denied.

#### IV

#### DURRANI IS NOT ENTITLED TO DISCLOSURE OF GRAND JURY TRANSCRIPTS

Durrani moves for disclosure of all grand jury transcripts. The Court should deny the motion.

The Supreme Court has consistently recognized "that the proper functioning of our grand jury system depends upon the secrecy of grand jury proceedings." Douglas Oil Co. v. Petrol Stops Northwest, 441, U.S. 211, 219 (1979). Grand jury transcripts may be disclosed "upon a showing that grounds may exist for a motion to dismiss the indictment because of matters occurring before the grand jury." F.R.C.P. 6(e)(3)(E)(ii). But such disclosure "may not be ordered unless the defendant demonstrates with particularity the existence of a compelling need that is sufficient to outweigh the policy of grand jury secrecy." United States v. DeTar, 832 F.2d 1110, 1113 (9th Cir. 1987).

A presumption of regularity supports prosecutorial decisions and in the absence of clear evidence to the contrary, courts presume that they have properly discharged their official duties. United States v. Armstrong, 517 U.S. 456, 464 (1996). A strong presumption of regularity also attaches to grand jury proceedings. United States v. Wadlington, 233 F.3d 1067, 1073 (8th Cir. 2000). Mere speculation of impropriety does not--and cannot--justify disclosure of grand jury proceedings. DeTar, 832 F.2d at 1113; United States v. Claiborne, 765 F.2d 784, 792 (9th Cir. 1985) ("Speculation cannot justify [the] court's intervention into the grand jury proceedings."), disapproved on other grounds in United States v. Baker, 10 F.3d 1374 (9th Cir. 1993); United States v. Ferreboeuf, 632 F.2d 832, 835 (9th Cir. 1980) ("Mere 'unsubstantiated, speculative assertions of improprieties in the proceedings' do not supply the 'particular need' required to outweigh the policy of grand jury secrecy.") (citation omitted); United States



1 v. Hardy, 762 F. Supp. 1403, 1413 (D. Haw. 1991) (defendant's allegation that the prosecutor "may have  
2 misinstructed the federal grand jury" was little more than speculation and did not warrant disclosure of  
3 grand jury proceedings).

4 Here, in seeking blanket disclosure of all grand jury transcripts, Durrani offers nothing more than  
5 speculation of impropriety. Durrani asserts that "there is no doubt but that the Government improperly  
6 placed before the Grand Jury a mass of prejudicial material and has otherwise prejudiced the grand jury  
7 process." But he sets forth no factual basis whatsoever for this assertion. Likewise, his counsel declares  
8 his personal "belief" that the grand jury was "misled and deceived." Defense counsel also declares that  
9 "[i]t is quite conceivable" that there are other, unspecified "defects" in the manner in which the  
10 Indictment was returned. This is precisely the type of speculation that does not warrant disclosure of  
11 grand jury proceedings. See Ferreboeuf, 632 F.2d at 835 ("[Defendant's] assertion of impropriety here  
12 is mere speculation . . . [Defendant] was simply on a fishing expedition"); DeTar, 832 F.2d at 1113  
13 ("It is not sufficient for [movant] to assert that he has no way of knowing whether prosecutorial  
14 misconduct occurred."); United States v. Short, 671 F.2d 178, 187 (6th Cir. 1982) (a general claim that  
15 the grand jury transcripts would reveal exculpatory evidence does not establish particularized need).  
16 Because Durrani does not meet the stringent standards for breaching grand jury secrecy, the Court should  
17 deny the motion for disclosure of grand jury transcripts.

18 V

19 **THE GOVERNMENT WILL COMPLY WITH RULE 16 AND BRADY**

20 The defense's approach to discovery has been a study in contrasts. On one hand, the defense  
21 propounds lengthy, overly broad, "any and all"-style discovery requests without regard to the limits of  
22 Fed. R. Crim. P. 16. On the other hand, the defense has yet to take the time to inspect any discovery  
23 made available by the Government.

24 The Government has roughly 17 boxes of discovery and numerous aircraft parts ready for  
25 Durrani's inspection. This discovery includes, among other things, items seized from Durrani's business  
26 and residence in Mexico, items seized from the residences of Charles Budenz and Richard Tobey, and  
27 bank records, telephone toll records and shipping records. Additional discovery will be produced as it  
28 becomes available. In many respects, the discovery ready for Durrani's inspection exceeds the

1 requirements of Rule 16. The Government intends to comply with its discovery obligations, as more  
2 fully discussed below.

3 **A. The Government Will Disclose Information**  
4 **Subject to Disclosure Under Rule 16(a)(1)(A) and (B)**  
5 **of the Federal Rules of Criminal Procedure**

6 The Government will disclose statements of the defendant as provided by Rule 16(a)(1)(A) and  
7 (B). The defendant is not entitled to summaries of oral statements of the defendant made to persons not  
8 known by him to be government agents, and the memorialization of any such statements in a written  
9 report does not make them discoverable as "written" statements of the defendant. United States v.  
10 Hoffman, 794 F.2d 1429, 1432 n.4 (9th Cir.1986).

11 **B. The Government Will Comply With Rule 16(a)(1)(D)**

12 The Government will disclose a copy of Durrani's prior criminal record.

13 **C. The Government Will Comply With Rule 16(a)(1)(E)**

14 The Government will permit the defendant to inspect and copy or photograph all books, papers,  
15 documents, photographs, tangible objects, buildings, or places, or portions thereof, which are within the  
16 possession, custody, or control of the Government, and which are material to the preparation of the  
17 defendant's defense or are intended for use by the Government as evidence-in-chief at trial or were  
18 obtained from or belong to the defendant.

19 The defendant is not entitled to all evidence known or believed to exist which is, or may be,  
20 favorable to the accused, or which pertains to the credibility of the Government's case. As stated in  
21 United States v. Gardner, 611 F.2d 770 (9th Cir. 1980):

22 [T]he prosecution does not have a constitutional duty to disclose every bit of information  
23 that might affect the jury's decision; it need only disclose information favorable to the  
24 defense that meets the appropriate standard of materiality.

25 Id. at 774-775 (citations omitted); see also United States v. Sukumolachan, 610 F.2d 685, 687 (9th Cir.  
26 1980) (the Government not required to create exculpatory material that does not exist); United States  
27 v. Flores, 540 F.2d 432, 438 (9th Cir. 1976) (Brady does not create any pretrial discovery privileges not  
28 contained in the Federal Rules of Criminal Procedure).

29 //

30 //



1           **D. The Government Will Comply With Rule 16(a)(1)(F)**

2           The Government is not presently aware of any physical or mental examinations, or scientific tests  
3 or experiments, referenced in Rule 16(a)(1)(F). However, if this changes, the Government will permit  
4 the defendant to inspect and copy or photograph any results or reports of physical or mental  
5 examinations, and of scientific tests or experiments, or copies thereof, which are within the possession  
6 of the Government, and by the exercise of due diligence may become known to the attorney for the  
7 Government and are material to the preparation of the defense or are intended for use by the Government  
8 as evidence-in-chief at the trial.

9           **E. The Defendant is Not Entitled to the**  
10           **Disclosure of Witness Statements Prior**  
11           **to the Witness Testifying on Direct**  
12           **Examination at Trial**

13           Production of witness statements is governed by the Jencks Act, 18 U.S.C. § 3500, and need  
14 occur only upon timely motion after the witness testifies on direct examination. See United States v.  
15 Taylor, 802 F.2d 1108, 1118 (9th Cir. 1986); United States v. Mills, 641 F.2d 785, 790 (9th Cir. 1981).  
16 Indeed, even material believed to be exculpatory and therefore subject to disclosure under the Brady  
17 doctrine, if contained in a witness statement subject to the Jencks Act, need not be revealed until such  
18 time as the witness statement is disclosed under the Act. See United States v. Bernard, 623 F.2d 551,  
19 556 (9th Cir. 1979).

20           **F. Expert Witnesses**

21           Well in advance of trial, the Government will give to the defendant a written summary of any  
22 testimony that the government intends to use under Rules 702, 703, or 705 of the Federal Rules of  
23 Evidence during its case-in-chief.

24           **G. Brady and Henthorn Material**

25           The Government will perform its duty under Brady v. Maryland, 373 U.S. 83 (1963) and United  
26 States v. Agurs, 427 U.S. 97 (1976), to disclose exculpatory evidence within its possession that is  
27 material to the issue of guilt or punishment, as well as its duty under Giglio v. United States, 405 U.S.  
28 150 (1972), to provide information on any benefits provided to Government witnesses in exchange for  
their testimony. Additionally, the Government will examine the personnel records of any Government

1 personnel who will testify at trial, and provide such material as the defense may be entitled to receive  
2 under United States v. Henthorn, 931 F. 2d 29 (9th Cir. 1991).

3 **H. Witness Lists and Addresses**

4 There is no requirement in a non-capital case for the Government to supply the defense with a  
5 list of witnesses it expects to call at trial. The Government objects to providing any such list at this time,  
6 and also objects to any request for the names and addresses of witnesses that the Government may or  
7 may not call at trial. Any criminal convictions of witnesses, known to the Government, will be disclosed  
8 prior to the witnesses' testimony.

9 **I. Grand Jury Transcripts**

10 As already addressed in this memorandum, the Government opposes disclosure of grand jury  
11 transcripts, except as may be consistent with the Jencks Act.

12 To the extent that Durrani seeks discovery beyond the above-discussed items, the Government  
13 opposes the motion.

14 **VI**

15 **GOVERNMENT'S MOTION FOR RECIPROCAL DISCOVERY**

16 The defendant has invoked Federal Rule of Criminal Procedure 16(a) in seeking discovery.  
17 Accordingly, the Government seeks reciprocal discovery from the defendant under Rule 16(b).

18 The Government, pursuant to Rule 16(b), hereby requests the defendant to permit the  
19 Government to inspect, copy, and photograph any and all books, papers, documents, photographs,  
20 tangible objects, or make copies of portions thereof, which are within the possession, custody or control  
21 of the defendant and which he intends to introduce as evidence in his case-in-chief at trial.

22 The Government further requests that it be permitted to inspect and copy or photograph any  
23 results or reports of physical or mental examinations and of scientific tests or experiments made in  
24 connection with this case, which are in the possession or control of the defendant, which he intends to  
25 introduce as evidence-in-chief at the trial or which were prepared by a witness whom the defendant  
26 intends to call as a witness. The Government also requests reciprocal expert witness disclosures. The  
27 Government requests that the court make such orders as it deems necessary to insure that the  
28 Government receives the discovery to which it is entitled.

## VII

CONCLUSION

For the above stated reasons, the Government requests that Durrani's motions be denied, except where unopposed, and that the Government's motion for reciprocal discovery be granted.

DATED: November 8, 2005

Respectfully submitted,

CAROL C. LAM  
United States Attorney



WILLIAM P. COLE  
Assistant United States Attorney

Attorneys for Plaintiff  
United States of America

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ARIF ALI DURRANI,

Defendant.

Criminal Case No.05CR1746-LAB

CERTIFICATE OF SERVICE BY MAIL


IT IS HEREBY CERTIFIED that:

I, Theresa M. Pinachio, am a citizen of the United States over the age of 18 years and a resident of San Diego County, California; my business address is 880 Front Street, Room 6293, San Diego, CA 92101-8893; I am not a party to the above-entitled action; and

I deposited in the United States mail at San Diego, California, in an envelope bearing the requisite postage, a copy of Government's Response and Opposition to Defendant's Motions for: (1) An Order of Dismissal of the Indictment; (2) An Order Suppressing Evidence Illegally Seized on June 22, 2005; (3) An Order Directing the Government to Produce Grand Jury Transcripts; and (4) An Order Directing the Government to Produce Documents Requested; addressed to: Mohammad "Moe" Nadim, Attorney at Law, 1541 Ocean Avenue, Suite 200, Santa Monica, CA 90401-2104, the last known address, at which place there is delivery service of mail from the United States Postal Service.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this day, November 18, 2005.



**COPY**

CAROL C. LAM  
United States Attorney  
WILLIAM P. COLE  
Assistant United States Attorney  
California State Bar No. 186772  
Federal Office Building  
880 Front Street, Room 6293  
San Diego, California 92101-8893  
Telephone: (619) 557-7859

Attorneys for Plaintiff  
United States of America

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
(HONORABLE LARRY A. BURNS)

UNITED STATES OF AMERICA,

Plaintiff,

v.

ARIF ALI DURRANI,

Defendant.

Crim. Case No. 05CR1746-LAB

DECLARATION OF WILLIAM P. COLE  
IN SUPPORT OF GOVERNMENT'S  
RESPONSE AND OPPOSITION TO  
DEFENDANT'S MOTIONS FOR:

- 1) AN ORDER OF DISMISSAL OF THE  
INDICTMENT;
- 2) AN ORDER SUPPRESSING  
EVIDENCE ILLEGALLY SEIZED ON  
JUNE 22, 2005;
- 3) AN ORDER DIRECTING THE  
GOVERNMENT TO PRODUCE  
GRAND JURY TRANSCRIPTS; AND
- 4) AN ORDER DIRECTING THE  
GOVERNMENT TO PRODUCE  
DOCUMENTS REQUESTED


Date: November 28, 2005  
Time: 2:00 p.m.

1 I, William P. Cole, declare:

2 1. I am the Assistant United States Attorney assigned to the above-referenced matter. I  
3 have personal knowledge of the facts set forth herein.

4 2. Each of the exhibits attached hereto is a true and correct copy of a certified copy,  
5 except for redactions made to comply with General Order No. 514. The certified copies are in the  
6 possession of the Government and will be made available for inspection at the hearing on the  
7 defendant's pending motions.

8 I declare under penalty of perjury under the laws of the United States that the foregoing is  
9 true and correct, and that this declaration is signed in San Diego, California on November 18, 2005.

10 

11 \_\_\_\_\_  
12 William P. Cole  
13  
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# APPENDIX T

DEPARTMENT OF HOMELAND SECURITY ICE				1. [REDACTED]	
REPORT OF INVESTIGATION				2. PAGE 1	
				3. [REDACTED]	
4. TITLE: ARIF A. DURRANI DBA LONESTAR					
5. CASE STATUS: INTERIM RPT					
6. REPORT DATE 021097	7. DATE ASSIGNED 050593	8. [REDACTED]	9. [REDACTED]	10. REPORT NO. 013	
11. RELATED CASE NUMBERS: [REDACTED]					
12. COLLATERAL REQ: [REDACTED]					
13. TYPE OF REPORT: COLLATERAL REQUEST / IN					
TOPIC: REQUEST TO SAC/BALTIMORE TO SERVE SUBPOENA IN LINTHICUM, MD					
14. SYNOPSIS: RAC/Oxnard is investigating alleged illegal exports by Arif DURRANI, doing business as LONESTAR AEROSPACE, INC., and as SIGNAL AEROSPACE, INC. Please refer to other reports on this investigation, if additional background information is desired.					
UNDEVELOPED LEADS:					
AC/BA: It is requested that SAC/Baltimore serve a grand jury subpoena for documents at CIRCLE INTERNATIONAL, INC., located at 810 Oregon Avenue, Linthicum, MD 21090. Please have the custodian of records at CIRCLE INTERNATIONAL, INC., contact SS/A Kempton at (805) 988-8690 with any questions. Please note also that CIRCLE INTERNATIONAL is not a subject at this time. (The subpoena is being forwarded by FedEx.)					
15. DISTRIBUTION: [REDACTED]		16. SIGNATURE: _____ KEMPTON ERNEST W SENIOR SPEC AGENT			
		17. APPROVED: _____ DONAHUE JAMES D SUP CRIM INVEST			
		18. ORIGIN OFFICE: OX OXNARD - RAC		19. TELEPHONE: 805 988 8690	
		20. TYPIST: KEMPTON			

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COPY

**United States Attorney  
Central District of California**

*William A. Crowfoot  
Assistant United States Attorney  
(213) 894-4465  
(213) 894-6436(fax)*

*United States Courthouse  
312 North Spring Street, 13<sup>th</sup> floor  
Los Angeles, California 90012*

September 16, 2005

7C  
Compliance Specialist  
Directorate of Defense Trade Controls  
2401 E Street, NW SA-1 #1304  
Washington, DC 20037

Re: United States v. Arif Durrani, CR 99-470-PA

Dear 7C

This letter will supplement my letters of August 15, September 8, 2005 and earlier today (a letter incorrectly dated September 8, 2005 -- corrected letter attached).

As requested, attached you will find the entire text of defendant's motion to dismiss, including his declaration.

7C  
Today I had the opportunity to speak for the first time with the person who Circle International at the time the two shipments which are the subject of this case were made in May 1994. In fact, he signed the airway bills. This person told me that Circle acted as the freight forwarder on behalf of the Royal Jordanian Air Force at that time and that the aircraft parts in question in all likelihood were covered by blanket export licenses obtain by the Royal Jordanian Air Force. He indicated that it would not have been unusual for such a blanket license to state a broad description of goods, which would include parts such as the ones in this case, and, further, that it would not have been unusual if the license stated that such parts were to be obtained from "various U.S. suppliers." He had no specific recall of the particular transactions which were the subject of this case because the Jordanians were obtaining parts from many suppliers.

I believe we need to determine whether any such blanket export licenses were in effect in favor of the Royal Jordanian Air Force in early May 1994. Unfortunately, I cannot provide you

7C

with the export license number from the Shippers Export Declaration as we have not been able to locate the SEDs.

Thank you very much for your kind assistance. I can be reached at telephone number *76*

*76*  
Very truly yours,

DEBRA WONG YANG  
United States Attorney



WILLIAM A. CROWFOOT  
Assistant United States Attorney

enclosure



**United States Attorney  
Central District of California**

*William A. Crowfoot*  
Assistant United States Attorney  
(213) 894-4465  
(213) 894-6436(fax)

United States Courthouse  
312 North Spring Street, 13<sup>th</sup> floor  
Los Angeles, California 90012

September 16, 2005

*W*  
Compliance Specialist  
Directorate of Defense Trade Controls  
2401 E Street, NW SA-1 #1304  
Washington, DC 20037

Re: United States v. Arif Durrani, CR 99-470-PA

Dear *W*

This letter will supplement my letters of August 15 and September 8, 2005.

In a motion to dismiss the indictment in this case, defendant Durrani states in a sworn declaration that he had copies of export licenses issued to Circle International and the Royal Jordanian Air Force. See Item no. 21 in the attached page of that declaration. This underscores the importance of question no. 2 in my September 8, 2005 letter as to whether anyone applied for any export licenses on behalf of Arif Durrani or Lonestar Aerospace, Inc., a California corporation, including, specifically, export licenses for the export in or about May, 1994, to the Royal Jordanian Air Force of: (i) 41 J-85 Engine Stage 1 Compressor Blades (P/N 6009T01P01); and (ii) 110 J-85 Engine Stage 2 Compressor Blades (P/N 6009T02P01).

Thank you very much for your kind assistance. I can be reached at telephone number: *7C*

*W*  
Very truly yours,

DEBRA WONG YANG  
United States Attorney

*William A. Crowfoot*  
WILLIAM A. CROWFOOT  
Assistant United States Attorney

enclosure

*RIP*

# APPENDIX U

**Orders on Motions**

5:86-cr-00059-SRU USA v. Durrani **CASE CLOSED on 01/14/2002**

CLOSED

**U.S. District Court****United States District Court for the District of Connecticut****Notice of Electronic Filing**

The following transaction was entered on 7/9/2007 at 9:41 AM EDT and filed on 7/9/2007

**Case Name:** USA v. Durrani

**Case Number:** 5:86-cr-59

**Filer:**

**Document Number:** 36(No document attached)

**Docket Text:**

ELECTRONIC ENDORSEMENT ORDER denying without prejudice [35] Motion for liability and to recover damages as to Arif Durrani (1). The claims raised by this motion have nothing to do with this criminal case and with this District. Signed by Judge Stefan R. Underhill on 7/9/07. (Sbalbi, B.)

**5:86-cr-59-1 Notice has been electronically mailed to:**

William J. Nardini [william.nardini@usdoj.gov](mailto:william.nardini@usdoj.gov), [sue.scott@usdoj.gov](mailto:sue.scott@usdoj.gov)

Maciej A. Piatkowski [mapiatkowski@rrjd-law.com](mailto:mapiatkowski@rrjd-law.com)

**5:86-cr-59-1 Notice has been delivered by other means to:**

Jeffrey A. Meyer  
U.S. Attorney's Office-NH  
157 Church St., 23rd floor  
New Haven, CT 06510

# APPENDIX V



**Minutes of the United States District Court  
Southern District of California  
Friday, October 14, 2005**

**2005CR01746-LAB**

**For the Honorable: Louisa S. Porter Magistrate Judge**

**Deputy Clerk: Irma Fletes**

---

**On Calendar:**

**2005CR01746-LAB**

**USA vs.**

**(1) ARIF ALI DURRANI (C)**

Lang Booking #

**ENG09027014 (1) By:**

**William P. Cole AUSA**

**619 557-5610**

**ARRAIGNMENT (1)**

---

**Minutes:**

**Tape No: POR05-1;4989-5790**

**DOA: 9/9/05**

**ATTORNEY MOHAMAD NADIM RTND - N/A**

**FEDERAL DEFENDERS, IN.,**

**JOHN ELLIS S/A**

**DFT ARRAIGNED ON THE INDICTMENT. DFT PLEADS NOT GUILTY MOTION HRG/TRIAL  
SETTING SET FOR 11/28/05 @ 2:00 P.M. BEFORE DISTRICT JUDGE BURNS.**

**GOVERNMENT ORAL MOTION FOR DETENTION/BOND HEARING -GRANTED.  
DETENTION/BOND HEARING SET FOR 10/19/05 @ 2:00 P.M. BEFORE MAGISTRATE JUDGE  
MCCURINE.**

*[Handwritten signature]*

82

REQUESTED BY: BUCARO, BRIAN R

OFFICIAL USE ONLY

K262

DEPARTMENT OF HOMELAND SECURITY ICE		1. TECS ACCESS CODE		[REDACTED]	
REPORT OF INVESTIGATION		2. PAGE		1	
		3. CASE NUMBER		[REDACTED]	
4. TITLE: ARIF DURRANI DBA AEROSPACE LOGISTICS SERVICES ET AL.					
5. CASE STATUS: INTERIM RPT					
6. REPORT DATE 102005	7. DATE ASSIGNED 112904	8. CLASS [REDACTED]	9. PROGRAM CODE [REDACTED]	10. REPORT NO. [REDACTED]	
11. RELATED CASE NUMBERS:					
12. COLLATERAL REQ:					
13. TYPE OF REPORT: INVESTIGATIVE FINDINGS					
TOPIC: ARREST OF ARIF DURRANI ON SOUTHERN DISTRICT OF CALIFORNIA COMPLAINT					

K262

K262

## 14. SYNOPSIS:

AEROSPACE LOGISTICS SERVICES is owned and operated by Arif Ali DURRANI, who has previously been convicted and incarcerated for three counts of violating Title 22 U.S.C. 2778, Arms Export Control Act, DURRANI has been a U.S. Customs fugitive since May 1999, based on a sealed indictment and arrest warrant out of RAC/Oxnard, for further violations of U.S. export law.

STET

DURRANI has lived in Mexico since 1998 after being declared deportable by INS in 1995. On June 15, 2005, DURRANI was taken into custody, at Los Angeles International Airport by ICE agents from RAC/Oxnard and SAC/San Diego, pursuant to the 1999 outstanding arrest warrant, after having been deported by the Government of Mexico. DURRANI was set to stand trial in the Central District of California on October 4, 2005. On September 23, 2005, a criminal complaint was filed and an arrest warrant was issued for DURRANI in the Southern District of California. Details are contained within.

15. DISTRIBUTION: SACSD	16. SIGNATURE: [REDACTED]		SPECIAL AGENT
	17. APPROVED: [REDACTED]		
			OI GRP SUPERVISOR
18. ORIGIN OFFICE: SD SAN DIEGO, CA - SAC		19. TELEPHONE: 619 744 [REDACTED]	
		20. TYPIST: [REDACTED]	

K267c

K262

K2617

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## O F F I C I A L U S E O N L Y

DEPARTMENT OF HOMELAND SECURITY ICE  R E P O R T O F I N V E S T I G A T I O N C O N T I N U A T I O N	1. PAGE 2 <b>LCB2</b>
	2. CASE NUMBER [REDACTED]
	3. REPORT NUMBER: [REDACTED]

## DETAILS OF INVESTIGATION:

On June 15, 2005, Arif DURRANI had been taken into custody, at Los Angeles International Airport by ICE agents from RAC/Oxnard and SAC/San Diego, pursuant to an outstanding arrest warrant based on a sealed indictment from 1999, after having been deported by the Government of Mexico. **stet**

On September 22, 2005, SAC/San Diego learned from the United States Attorney's Office, Southern District of California that the United States Attorney's Office, Central District of California would be dismissing their case and the 1999 indictment against DURRANI, potentially as soon as Friday, September 23, 2005.

On September 23, 2005, within the United States District Court for the Southern District of California, before the Honorable Barbara L. Major, a criminal complaint was made against Arif Ali DURRANI for the violation of Title 18 U.S.C. Section 371 - Conspiracy to Commit Offenses Against the United States; to wit, Title 22, U.S.C., Section 2778 Arms Export Control Act. The criminal complaint was filed and an arrest warrant issued for DURRANI; both documents were not sealed by the court.

On or about September 26, 2005, the charges were dismissed against DURRANI by the United States Attorney's Office, Central District of California, regarding the 1999 indictment on two counts of violating the Arms Export Control Act.

On or about September 26, 2005, DURRANI was taken into custody by the United States Marshals Service in the Central District of California pursuant to the September 23, 2005 arrest warrant out of the Southern District of California.

On September 27, 2005, pursuant to the September 23, 2005 arrest warrant and criminal complaint out of the Southern District of California, DURRANI appeared before the Honorable Andrew J. Wistrich, Magistrate Judge, United States District Court for the Central District of California. DURRANI waived Identity Hearing, was ordered detained without bail, and a Preliminary Hearing was set for October 5, 2005.

The investigation continues.

COLLATERAL REQUESTS:  
None at this time.

UNDEVELOPED LEADS:  
To be determined by SAC/San Diego.

## O F F I C I A L U S E O N L Y

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**APPENDIX W**

09/03/2007 03:19 2138941732

US MARSHALS SERVICE

PAGE 04/06

09/06/2007 11:57 Page 1 of 2



LIMITED OFFICIAL USE  
 UNITED STATES MARSHALS SERVICE  
 PRISONER TRACKING SYSTEM  
 DISTRICT OF CENTRAL DISTRICT OF CALIFORNIA  
 DISTRICT: 12 OFFICE: ROY  
 INDIVIDUAL CUSTODY AND DETENTION REPORT USM 129  
 NAME: DURRANI, ARIF ALI  
 USMS NUMBER: 09027014

## I. IDENTIFICATION DATA

USMS NUMBER: 09027014		NAME: DURRANI, ARIF ALI	
ADDRESS: EXTRADITION FROM MEXICO, XI		PHONE:	
DOB: 08/14/1949	AGE: 58	POB: PAKISTAN, XI	
SEX: M	RACE: W	HAIR: BLK	EYE: BRO
SSN:		HEIGHT: 511	WEIGHT: 180
FBI NBR: 447572FAS		ALLEN NBR: A21763558	

*** SPECIAL HANDLING CODE	SPECIAL HANDLING REMARK
MED	HIGH BLOOD PRESSURE
MED	SUBJ. TAKES ACCUPRIL FOR HEART MURMUR

DETAINER DATE	ACTIVE	AGENCY	REMARK
06/15/2005	N	CUSTOMS & BORDER PROTECTION	

PRISONER ALIAS	ALIAS REMARK
NONE	

GENERAL REMARKS	b7C, j2
ARRESTING AGENT	
BODY HELD OVER DUE TO OUTSTANDING S/CA CASE	

## II. CASE INFORMATION

CTR	STATUS	COURT CASE NUMBER	FEDERAL COURT CITY	JUDGE	US ATTORNEY	DEFENSE ATTORNEY
1	RL-DISMSE	CR 99-740	LOS ANGELES			
2	RL-WOR	05-2011M	LOS ANGELES			

CTR	ARREST DATE	ARRESTING AGENCY	ARREST LOCATION	WARRANT NUMBER
1	06/15/2005	U.S. MARSHALS SERVICE	MEXICO	C/CA
2	09/26/2005	U.S. MARSHALS SERVICE	ROYAL FED BUILDING LACA	S/CA

CTR	OFFENSE CODE	OFFENSE	REMARK	DISPOSITION
1	2699	FRAUD	22 USC 2778 EXPORTING DEFENSE ARTICLES W/O LICENSE	CHARGES DISMISSED/DROPPED
2	4808	COMPOUNDING CRIME	22 USC 2278 CONSPIRACY/ ARMS CONTROL ACT	UNKNOWN

## III. STATUS HISTORY

23

**APPENDIX X**

United States Marshals Service  
LIMITED OFFICIAL USE  
Subject Report for DURRAN, ARIF (FID 389864)



Date Closed: 09/28/2005  
Date Executed: 09/26/2005  
Execution Code: DET LODGED; CUSTODY TAKEN  
Arrested in District: 012  
To Be Prosecuted: U  
Close Summary: NOTIFIED BY [REDACTED] FROM LOS ANGELES USMS SUBJECT WAS ARRAIGNED ON  
SAN DIEGO  
WARRANT ON 09/26/05. HE IS WT. TO  
REMOVED TO SAN DIEGO. b7c, j2

Case Number: 9912-0510-2394-J

Case Status: CLOSED  
Originating District: 012 - CA/C LOS ANGELES (Warrants)  
International Liaison: HQTS - Mexico City Liaison  
Opened: 06/15/2005  
Closed: 06/15/2005

Charge Information

Agency: USC - Federal Agency  
DTR US CUSTOMS SERVICE  
Part of Task Force: LOS ANGELES REG TASK FORCE  
Charge: 5299, WEAPON OFFENSE  
Warrant Date: 05/07/1999  
Date Received: 05/10/1999

OCDE: No

Remarks: CASE#CR99-470, EXPORTING DEFENSE ARTICLES WITHOUT A LICENSE

Close Information

Date Closed: 10/27/2005  
Date Executed: 06/15/2005  
Execution Code: PHYSICAL ARREST  
Arrested in District: 012  
To Be Prosecuted: Y

Close Summary: MCFO DEPORT FROM MEXICO CITY DUSM'S [REDACTED] AND INSPECTOR  
[REDACTED] ESCORTED  
AND TOT US CUSTOMS AT PORT OF ENTRY. b7c, j2

APPENDIX Y



U.S. Department of Justice  
Office of the Inspector General  
Investigations Division  
Los Angeles Field Office  
330 N. Brand Blvd, Suite 655  
Glendale, CA 91203  
Phone (818) 543-1172 Fax (818) 637-5082

---

February 19, 2008

Arif A. Durrani #09027-014  
Federal Correctional Complex  
Victorville I  
P.O. Box 5300  
Adelanto, CA 92301

Dear Mr.Durrani:

The purpose of this letter is to acknowledge receipt of your correspondence dated August 20, 2007. The staff of the Investigations Division has reviewed the issues that you raised.

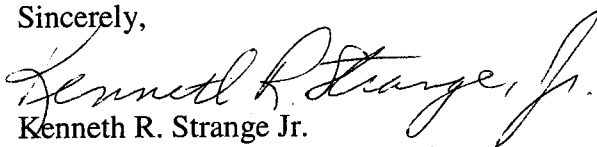
The Office of the Inspector General (OIG) receives a high volume of complaints every day for review and handling. Because the OIG has limited staff and resources we are not able to investigate every complaint. Only those complaints involving criminally prosecutable misconduct and the most egregious administrative misconduct can be accepted for investigation. Many other issues can and should be addressed by the management levels of the involved components. We have determined that Federal Bureau of Investigation (FBI), Los Angeles should review your complaint. Therefore, your complaint has been forwarded to:

FBI Los Angeles  
11000 Wilshire Boulevard  
Los Angeles, California 90024-3672

Any further correspondence regarding this matter should be directed to that office.

I hope this answers any questions you have relative to this matter.

Sincerely,

  
Kenneth R. Strange Jr.  
Special Agent in Charge

**APPENDIX Z**



2007 JUL -9 P 3:13

:Civil No. 3:86cr59(SRU)

## rev. 7/18/05

9/11/07  
07CV1196 order

2  
UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

FILED

2007 AUG 17 P 3:32

Arif A. Durrani  
v.

CS  
3:07CV1196 (WWE)

S.A. Holencik, et al

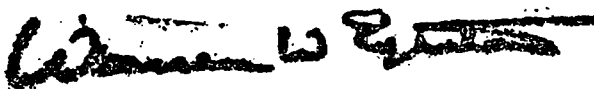
TRANSFER ORDER

The above-identified case is hereby transferred to the docket of Robert N. Chatigny, U.S.D.J., for all purposes.

All future pleadings or documents in this matter should be filed with the Clerk's Office in Hartford and bear the docket number 3:07CV1196 (RNC). Pleadings or documents filed at any other seat of court will be refused at the Clerk's Office and returned to you unfiled. [See Local Rule 3(a) (formerly Local Rule 7(a))].

IT IS SO ORDERED.

Dated at Bridgeport, Connecticut, this 17<sup>th</sup> day of August, 2007.



WARREN W. EGINTON  
Senior United States District Judge

**Other Orders/Judgments**3:07-cv-01196-RNC Durrani v. Holencik et al

INS

**U.S. District Court****United States District Court for the District of Connecticut****Notice of Electronic Filing**

The following transaction was entered on 9/7/2007 at 9:27 AM EDT and filed on 9/6/2007

**Case Name:** Durrani v. Holencik et al

**Case Number:** 3:07-cv-1196

**Filer:**

**Document Number:** 3

**Docket Text:**

ORDER OF TRANSFER. Case reassigned to Judge Stefan R. Underhill for all further proceedings.  
Signed by Judge Robert N. Chatigny on 9/6/07. (D'Onofrio, B.)

**3:07-cv-1196 Notice has been electronically mailed to:**

**3:07-cv-1196 Notice has been delivered by other means to:**

Arif A. Durrani  
VICTORVILLE MEDIUM I  
FEDERAL CORRECTIONAL INSTITUTION  
Inmate Mail/Parcels  
P.O. BOX 5300  
ADELANTO, CA 92301

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1034868047 [Date=9/7/2007] [FileNumber=1362864-0]  
[5ca8da267400d4720378a33f263cea80bd27737a90595df9b34c764f821928b35026  
42a8f06be0e12289a9b39c199910cad4ab548bb1753297ef51bbece106f8]]